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TABLE OF CONTENTS

CII I DEED		- 4 - - -
CHAPTER	TWENTY-EIGHT:	: DALIL

5

CHAPTER TWENTY-NINE: THE OBLIGATION OF THE SHARTAH (RULINGS) FOR EVERY BELIEVER AND DISBELIEVER ON EARTH, AND WHEN THE RULINGS BECOME BINDING FOR A HUMAN

9

CHAPTER THIRTY: ON THE DESCRIPTION OF TAFAQQUH IN THE RELIGION, WHAT EVERY INDIVIDUAL MUST SEEK OF THEIR RELIGION, AND THE DESCRIPTION OF A MUFTĪ WHO CAN ISSUE A FATWĀ IN THE RELIGION, AND THE DESCRIPTION OF THE OBLIGATORY IJTIHĀD FOR THE PEOPLE OF ISLĀM 25

CHAPTER THIRTY-ONE: THE OBLIGATION OF
INTENTIONS IN ALL ACTIONS, AND THE DISTINCTION
BETWEEN ERRORS COMMITTED DELIBERATELY
WITHOUT THE INTENTION TO OPPOSE WHAT WAS
ORDERED, AND ERRORS COMMITTED WITHOUT
DELIBERATION, AS WELL AS ACTIONS ACCOMPANIED
BY INTENT

48

THE THIRTY-TWO CHAPTER: THE RULINGS OF THE PROPHETS BEFORE MUḤAMMAD # — ARE THEY BINDING UPON US EXCEPT THOSE SPECIFICALLY



PROHIBITED, OR ARE ALL THEIR RULINGS PROHIBI	TED
EXCEPT THOSE MENTIONED IN OUR RULINGS?	70
CHAPTER THIRTY-THREE: PRECAUTION [IḤTIYĀT],	
CUTTING OFF MEANS TO SIN [SADD/QAŢʿAL-DHARĀʾ	I],
AND AMBIGUOUS MATTERS [MUSHTABAH]	99
CHAPTER THIRTY-FOUR: ISTIḤSĀN, ISTINBĀṬ, RAʿĪ A	ND
THE FALSEHOOD OF ALL OF THEM	114
CHAPTER THIRTY-FIVE: THE FALSEHOOD OF TAQLI	D
-	156
Section: What Allāh, The Exalted, Said About The Falsehood Of Taqlīd	215
Section: The Sayings Of The Companions In The Religion Are Not A Ḥuj	<i>jah</i> 246
Section: Asking The Transmitters About the Sayings Of The Scholars	252
CHAPTER THIRTY-SIX: DALĪL AL-KHIṬĀB, MAFHŪM A	4 <i>L-</i>
MUKHĀLAFAH	285
Section: Every Word That Has Come With A Negation Followed By An Exception From That By The Word 'Illā' (Except), Or The Word 'Ḥattā' (Until), It Does Not Apply Except To What Is Attached To It	319
Section: The Falsehood Of Their Claims About Dalīl Al-Khiṭāb	326
Section: Invalidating Their Claims About <i>Dalīl al-Khiṭāb</i>	329
2000000 In annual Inch Chamber 10000 2000 to 100000	02)
Section: The Grave Contradiction In Their Views On This Matter	332
Section: More Of Their Contradiction About This	335







Section: The Definition of Qiyās	348
Section: Qiyās According To The Madhāhib	354
The Evidences For <i>Qiyās</i> Summarized	358
Section: The Summarized Answer Against Them	361
Section: The Clarification For Every Single Verse They Mention In Detail	385
Section: The Verse Regarding Saying 'Uff' To The Parents	386
Section: The Verses Regarding The Size Of A <i>Qinṭār</i>	392
Section: The Verses Regarding Examples With Small Sizes And Property	395
Section: The Verses Regarding Infanticide Due To Poverty	399
Section: The Verses Regarding Obedience To Those In Authority	400
Section: The Verses Regarding Inheritance	409
Section: The Verses Regarding Twenty Muslims Against Two Hundred Infidels	411
Section: The Verses Regarding The Angels' Usage Of <i>Qiyās</i> Before The Cu Iblīs	rsed 413
Section: The Verses Regarding Hunting	414
Section: The Verses Regarding Transgression On The Sabbath	416
The Verses Regarding Tayammum	419
The Verses Regarding Eating In The Houses Of The Relatives	422
The Verses Regarding A Woman Showing Herself To The Maḥārim.	423
The Verses Regarding Whom It Is Prohibited To Marry	424
Section: The Verses Regarding A Woman That Is Divorced Thrice.	427



Section: The Verse Regarding I'tibār

431



Chapter Twenty-Eight: Dalīl

Dalīl is when the meanings of the Qurʿān and Sunnah indicate something, but not the words of the Qurʿān and Sunnah by their words alone.

Some people, in their ignorance, assumed that our use of $dal\bar{\imath}l$ was a departure from the nass and $ijm\bar{a}$. Others thought that $qiy\bar{a}s$ and $dal\bar{\imath}l$ are the same thing, and they are mistaken in their assumption, making a grievous mistake. By the will of Allāh, we shall clarify the type of $dal\bar{\imath}l$ we refer to in a way that removes confusion completely.

So we say and Allāh is the source of strength, that $dal\bar{\imath}l$ is derived from the nass and from $ijm\bar{a}$.

As for $dal\bar{\imath}l$ derived from $ijm\bar{a}$, it is divided into four categories, all of which are types of $ijm\bar{a}$ and fall under it, not apart from it. These are: Istiṣḥāb ul-ḥāl, Aqallu ma $q\bar{\imath}l$, thirdly, their $ijm\bar{a}$ on abandoning a specific statement. Fourthly, their $ijm\bar{a}$ that the rule for Muslims is the same even if they differ in the rulings from that ruling

These are the categories we have already clarified all in the chapter of $ijm\bar{a}$, so there is no need to repeat them here. And with Allāh's help and guidance, we proceed.

As for $dal\bar{\imath}l$ derived from the nass, it is divided into seven categories, all of which fall under the nass.

The First: Two premises that yield a conclusion not explicitly $man s \bar{u} s ah$ in either of them, such as the saying of the Prophet , "Every intoxicant is khamr, and every khamr is prohibited." The conclusion is that every khamr is prohibited. These two premises are demonstrative evidence $(dal\bar{l}l burh\bar{a}n\bar{l})$ that every intoxicant is prohibited.

The Second: A condition linked to a description, so that whenever that description is found, the condition must apply, such as the verse, "If they cease, what has previously occurred will be forgiven for them" [Al-Anfāl: 38]. From this, it is established that whoever ceases is forgiven.



The Third: A word from which a meaning is understood but is conveyed by another word, which is a type referred to by *ahl ul-ihtibāl* of the limits of speech as '*mutalā'imāt*.' An example is the verse, "Indeed, Ibrāhīm was compassionate and forbearing" [At-Tawbah: 114]. It is necessarily understood from this mere verse alone that Ibrāhīm was not foolish. This is a single meaning expressed in various terms, like saying 'lion' (using synonyms such as *ḍaygham*, *ḍirghām*, *asad*, *layth*, or '*anbasah*)—all of which mean 'lion.'

The Fourth: Dividing the possibilities, where all except one are invalidated, by that affirming the validity of that one, such as considering something is only either prohibited, in which case it has a certain specific ruling, or obligatory, in which case it has another different ruling, or permissible, in which case it has yet another different ruling. So if it is neither obligatory nor prohibited, it is permissible and has its own ruling. For a saying that necessitates multiple categories of these at the same time, that is corrupt and false.

The Fifth: Sequential rulings presented in steps, implying that the higher rank is superior to the one that follows, even if this superiority is not explicitly mentioned. For example, saying, "Abū Bakr is better than 'Umar, and 'Umar is better than 'Uthmān," implies without doubt that Abū Bakr is better than 'Uthmān.

The Sixth: We say that "Every intoxicant is prohibited," and from this, it is valid to conclude that some of the things that are prohibited things are intoxicants. This is what *ahl ul-ihtibāl* to the limits of speech call the inversion of propositions ('aks $al-qad\bar{a}y\bar{a}$), which is conversion limitation. The reason for this is that a general affirmative proposition always converts into a particular affirmative proposition.

The Seventh: A phrase that encompasses many meanings, such as saying, "Zayd writes." From this phrase, it is clear that Zayd is alive, that he has a healthy limb with which he writes, and that he has the tools to use. Similarly, in the verse, "Every soul will taste death" [Āl 'Imrān: 185], it is evident that Zayd will die, Hind will die, and 'Amr will die—this applies to every soul, even if their specific names are not mentioned.

These are the categories of $dal\bar{\imath}l$ we use, and they are the meanings of the $nus\bar{\imath}us$ and their implications. All of them fall under the nass and do not depart from it at all.

All of these types fall into one of two categories and do not depart from them: either they are a detailed clarification of something general, or they are expressions of a single meaning through various words, like a language being expressed in another language.

As for what is perceived through the senses (hiss) alone, there is nass that confirms its acceptance, as in the verse, "Or do they have eyes by which they see" [Al-A'rāf: 195]. And the other nuṣūṣ that are corroboratively indicated by the 'agl and hiss, although the senses (hiss) and 'agl are the foundation (asl) of everything. And through them, we recognize the truth of the Qur'ān, *rubūbiyyah*, and prophethood. So we do not rely solely merely on the *naṣṣ* to establish these matters, but if there were no *naṣṣ*, what is perceived through 'agl and the hiss would not be valid. This clarification is to put an end to the arguments of those weak-minded individuals who reverse istidlāl and claim, "We only accept what is found in the texts."

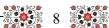
We have elaborated on this in the chapter on the *hujjah* of 'aql in this book. With Allāh's help and guidance, we proceed.

Istidlāl is different from dalīl, because one may engage in istidlāl without reaching the dalīl. Istidlāl can also exist as an effort to seek the dalīl by someone who does not find what they are searching for. Dalīl, on the other hand, may come unexpectedly to someone who is not seeking it—whether through coming across it in a book, being informed by someone, or having it suddenly occur to their mind. It is evident that *istidlāl* is not the same as *dalīl*. It is also evident that our $dal\bar{\imath}l$ does not depart from the naṣṣ or $ijm\bar{a}$ at all; it is merely the understanding of the wording (mafhūm al-lafz).

'Illah is not called dalīl, and dalīl is not called an 'illah. The 'illah is whatever necessitates a ruling, and (a quality in which) neither of them exists without the other—like fire drying moisture and producing heat; this is its nature.

Here, ahl al-qiyās erred by calling dalīl an 'illah and calling the 'illah a dalīl, leading to a grave mistake. They also called their ruling on something for which there is no nass the same as a ruling for which there is a nass and referred to it as dalīl. This is false, as it is qiyās, which we reject and invalidate.

They confused meanings, applying the name of a correct concept to something false, and the name of a false concept to something correct. They mixed these ideas as they pleased, without distinguishing between meanings,



leading to their confusion and misguidance. Praise be to Allāh for His guidance and success. Without His guidance, we would not have been guided. With Allāh's help, ability, and strength, we continue.



Chapter Twenty-Nine: The Obligation Of The Sharī 'ah (Rulings) For Every Believer And Disbeliever On Earth, And When The Rulings Become Binding For A Human

Allāh Almighty said, "O children of Ādam, take your adornment at every place of prostration" [Al-Aʿrāf: 31].

So, Allāh ordered the children of Ādam as a whole, as you can see.

And He said, "Those who follow the Messenger, the unlettered Prophet , whom they find written in what they have of the Torah and the Gospel, who enjoins upon them what is right and forbids them what is wrong and makes permissible for them the good things and prohibits for them the evil" [Al-A'rāf: 157].

And He said, "In gardens, they will ask one another about the criminals, [asking them], 'What put you into hell?' They will say, 'We were not of those who prayed, nor did we used to feed the poor. And we used to indulge in vain discourse with those who engaged [in it], and we used to deny the Day of Recompense, until there came to us the certainty" [74:40-47].

So, as you can see, Allāh explicitly stated that He punishes those that deny the Day of Recompense and they are the $kuff\bar{a}r$ without a doubt, punishing them for their abandonment of prayer and for not feeding the poor.

And He said, "Then bind him in a chain whose length is seventy cubits. Indeed, he did not used to believe in Allāh, the Most Great, nor did he encourage the feeding of the poor" [69:32-34].

Again, as you see, Allāh explicitly states that a type of disbelievers is punished because they did not feed the poor.

And He said, "And We have not sent you except comprehensively to all mankind as giver of glad tidings and a warner" [34:28].

He also ordered him to say, "Say, [O Muḥammad], 'O mankind, indeed I am the Messenger of Allāh to all of you'" [7:158].

This is a clear and explicit text that the rulings of Islām are obligatory upon disbelievers just as they are upon believers, except that some of these rulings are not accepted from them unless they first accept Islām, such as prayer, fasting, and pilgrimage. In this, they are like someone who is in a state of major impurity, without intention, or invalid ablution — their prayer, fasting, or pilgrimage is not accepted until they purify themselves and make the proper intention.

Allāh also said, "Fight those who do not believe in Allāh or in the Last Day and who do not forbid what Allāh and His Messenger have forbidden" [9:29].

Allāh explicitly stated that they are sinful because they do not forbid what Allāh and His Messenger have forbidden.

And He said, "And your food is permissible for them" [5:5].

So it is clear that our food is permissible for them whether they accept it or not.

Allāh also said, "And judge between them by what Allāh has revealed" [5:49].

We have also narrated from Ibn 'Abbās, with an authentic *sanad* before, that this verse abrogated the verse, "Judge between them or turn away from them" [5:42].

And since all of this is certain, it is obligatory to punish them for consuming *khamr* and committing adultery. Their *khamr* must be poured out, their pigs killed, their usury invalidated, and they must be bound by all the rulings in marriage, inheritance, sales, and *hudūd*, just as Muslims are. There is no difference, nor is any other view permissible.

Additionally, we may eat what they slaughter, whether rabbits, camels, or anything else they do not believe to be permissible, for all of it is permissible for them without doubt. Anyone who opposes our view is certainly wrong with Allāh.

Allāh also rejected from them, and said, "Do they seek the judgment of [the time of] ignorance?" [5:50].

Anyone who permits them to drink *khamr* and continues their falsehood till they demand compensation from a Muslim who pours out their *khamr* which is an obligation has judged by the judgment of ignorance, abandoning the judgment of Allāh and His Messenger # for the judgment of the $t\bar{a}gh\bar{u}t$ and the accursed Satan. We seek refuge in Allāh from that.

While our opponents contradict themselves in the most absurd way. They punish them for *qadhf* and theft, just as they punish Muslims, but they do not punish them for adultery and *khamr*. They eat parts of sheep slaughtered by Jews but refuse to eat other parts of the sheep, following Jewish fabrications and abandoning the explicit text of Allāh that their food is permissible for us, and our food is permissible for them. We seek refuge in Allāh from such egregious and erroneous statements.

Allāh said, "And when your Lord took from the children of Adam — from their loins — their descendants and made them testify of themselves, [saying to them], 'Am I not your Lord?' They said, 'Yes, we have testified' [This] — lest you should say on the Day of Resurrection, 'Indeed, we were of this unaware'" [7:172].

And He said, "And remember the favor of Allāh upon you and His covenant with which He bound you" [5:7].

And He said, "The [religion of] Allāh, and who is better than Allāh in [ordaining] religion" [2:138].

And He said, "So direct your face toward the religion, inclining to truth. [Adhere to] the fitrah [natural disposition] of Allāh upon which He has created [all] people" [30:30].

'Iyāḍ ibn Ḥimār narrated that the Messenger of Allāh said one day in his sermon, "Behold, my Lord ordered me that I must teach you which you do not know and which He has taught me today. (He has ordered thus): The property which I have conferred upon them is permissible for them. I have created My servants as one having a natural inclination to the worship of Allāh but it is Satan who turns them away from the right religion and he makes prohibited what I declared permissible for them."

'Iyāḍ ibn Ḥimār, who was from Banū Tamīm, was a friend of the Prophet in the pre-Islāmic period and his Ḥirmī. The term Ḥirmī means that 'Iyāḍ was from Ḥillah, and the Prophet (Quraysh) was from the Ḥums. Many men from the Ḥillah had brothers from Ḥums who would circle the Ka bah in their garments. Every friend among them was called "The Ḥirmī of so-and-so." 'Iyāḍ would circle the Ka bah in the Prophet 's garments.

And the Prophet said, "There is no newborn except that it is born on the religion until its tongue expresses otherwise."

¹ Şahīh Muslim 2865

² Sahīh al-Bukhārī 1358, 1359

These verses that we have recited and the two narrations we mentioned clarify the meaning of the Prophet saying, "There is none born except on the *fitrah*. It is his parents who make him a Jew or a Christian or a Magian just as beasts produce their young with their limbs perfect. Do you see anything deficient in them?"

So it is established by necessity that all people are born on Islām. This is the *ta wīl* of the verse, "Indeed, We offered the Trust to the heavens and the earth and the mountains" [Al-Aḥzāb: 72].

So the acceptance of the Islāmic religion is the trust, and Allāh created all souls ($nuf\bar{u}s$, pl. nafs) in totality—they are sensing, rational, and discerning—then He entrusted them with Islām, which they accepted. Then He settled the souls ($nuf\bar{u}s$, pl. nafs) in their place until each soul was transferred to its body, and it resided in it for as long as it remained. Then (after death) it returns to its place near the lower heaven where the Prophet saw it (the souls) during the Night Journey. The people of happiness are then there on the right in joy and good, while the people of misery are on the left in hardship and distress until the Day of Resurrection. Then they will then be assigned their places in Paradise or Hell after their bodies are clothed on the bones, extracted from the graves after they have decomposed.

This is the *naṣṣ* of the verse, "And indeed, We created you and then formed you, then We said to the angels, 'Prostrate to Adam'" [Al-A rāf: 11].

And the verse, "And if he was from the right-hand side, then peace for you from the people of the right-hand side" [Al-Wāqiʿah: 90-91].

And the verse, "The people of the right-hand side, how fortunate are the people of the right-hand side, and the people of the left-hand side, how wretched are the people of the left-hand side" [Al-Wāqi ah: 8-9].

And the verse, "Lest you should say on the Day of Resurrection, 'Indeed, we were unaware of this'" [Al-Aʿrāf: 172].

It is clear that when the souls inhabit the earthly bodies in this world, their discernment diminishes and their memory of the past fades. However, when they depart from the body, their senses become clear, their discernment is restored, and their perception is refined.

Allāh says, "And indeed, the home of the Hereafter - that is the [eternal] life, if only they knew" [Al-ʿAnkabūt: 64].

 $^{^3}$ Şaḥīḥ Muslim 2658 | Şaḥīḥ al-Bukhārī 6599

Allāh has informed that this world is deceitful. Glory be to the Creator and Planner of everything. There is nothing worthy of worship in truth except Him.

So we say based on this and other evidences, that no one must be left without following the religion of Islām, except for those whom the text explicitly allowed to remain, whom the Prophet allowed to remain. So we make it obligatory that not to accept *jizyah* except from *ahl al-kitāb*, nor do we allow anyone to remain outside of Islām, if they leave one *kitābī* religion for another, nor if their ancestors adopted a *kitābī* religion after the Prophet sending, and them changing from to that from another *kufr*. Likewise, we do not allow anyone who had a Muslim ancestor from any side—whether distant or not—to remain outside Islām, nor anyone who was imprisoned as an adult, whether captured with both parents or one of them. No disbeliever should be left with those after him at all, and we only accept Islām from them with no other option.

For Islām is the religion of every newborn, and the Prophet said, "Whoever changes his religion, fight him."

And Allāh Almighty said, "And whoever desires a religion other than Islām, it will never be accepted of him" [Āl 'Imrān: 85].

So it is prohibited to accept from anyone nothing except Islām, unless there is an explicit text permitting otherwise, and he is made an exception from this verse. There are many evidences indicating this.

As for the verse, "There is no compulsion in religion" [2:256]. This verse is $makh \bar{y} \bar{u} \bar{y}$ by the established texts indicating that the Messenger of Allāh $\stackrel{\text{def}}{=}$ compelled to Islām those who were not *ahl al-kitāb*.

Additionally, the entire Ummah has $ijm\bar{a}$ on compelling the apostate to return to Islām. And the people whom Allāh informed us were given the Book, and whom He then ordered to be fought until they gave the jizyah with willing submission, have passed away, and others have taken their place. Hiss makes it clear that those who are their descendants are not the ones who were originally given the Torah, the Gospel, the Psalms, or the Scrolls, but are undoubtedly different people. They were permitted to remain based on the Prophet 's concession for their descendants, and this applies specifically to those born among them. As for those for whom there is no text with specification. they fall under the ruling of Allāh's statement, "Fight the

⁴ Sahīh al-Bukhārī 6922

polytheists wherever you find them, capture them, besiege them, and lie in wait for them at every ambush. But if they repent, establish prayer, and give $zak\bar{a}h$, let them go on their way. Indeed, Allāh is Forgiving and Merciful" [At-Tawbah: 5]. This is clear, and Allāh Almighty is the Guide; there is nothing worthy in worship in truth but Him.

Allāh Almighty has stated that He does not let the actions of anyone, male or female, go to waste.

'Abdullāh ibn Mas'ūd narrated, "Some people said to the Messenger of Allāh, "O Messenger of Allāh, are we to be held accountable for what we did during the pre-Islāmic period?' The Prophet said, 'Whoever among you does good in Islām will not be held accountable for it, but whoever does evil will be held accountable for both his deeds from the pre-Islāmic period and in Islām."

'Urwah ibn al-Zubayr narrated, me that Ḥakīm ibn Ḥizām told him that he said to the Messenger of Allāh, "Go Messenger of Allāh, what about acts of charity, freeing of slaves, or upholding family ties that I used to do during the pre-Islāmic period—will I be rewarded for them?' The Messenger of Allāh said, 'You have embraced Islām upon the good you have done in the past.'"

Ibn Nawfal narrated, "Al-'Abbās Ibn 'Abd Al-Muṭṭalib said to the Prophet ," 'You have not been of any avail to your uncle (Abū Ṭālib) (though) by Allāh, he used to protect you and used to become angry on your behalf.' The Prophet said, 'He is in a shallow fire, and had it not been for me, he would have been in the bottom of the (Hell) Fire.""

Abū Saʻīd Al-Khudri narrated, "The Prophet ≝ said when somebody mentioned his uncle (Abū Ṭālib), "Perhaps my intercession will be helpful to him on the Day of Resurrection so that he may be put in a shallow fire reaching only up to his ankles. His brain will boil from it."⁸

Allāh, the Exalted, stated, "And We will surely let them taste the nearer punishment before the greater punishment so that they might return" [As-Sajdah: 21].

⁵ Şaḥīḥ al-Bukhārī 6921

⁶ Sahīh Muslim 123

⁷ Sahīh al-Bukhārī 3883

⁸ Sahīh al-Bukhārī 3885

And He said: "Admit the people of Pharaoh into the severest punishment" [Ghāfir: 46].

And He said: "Indeed, the hypocrites will be in the lowest depths of the Fire, and never will you find for them a helper" [An-Nisa: 145], something can only be considered more severe in comparison to what is less severe, and that even the lowest depth must have higher levels above it, as all of this falls within the chapter of relativity. It is also certain from the statement of Allāh, the Exalted, "Are you recompensed except for what you used to do?" [An-Naml: 90], that people in Paradise will be differentiated according to the measure of their deeds, and those in Hell will suffer varying degrees of punishment.

The texts we have mentioned indicate it. It is also certain that whoever did good while disbelieving, but then embraced Islām, that good will be counted for them, recorded, and they will be rewarded and compensated for it. And whoever did evil while disbelieving, and then embraced Islām without repenting from those evils, all of it will still be written against them, counted, and they will be punished for it, there is no such thing as every single sin being removed from them merely by their Islām, there must be repentance for all of them. This is the explicit statement of Allah, the Exalted, which we have recited, and it is the explicit clarification of the Prophet when he was asked about this. No one is allowed to oppose it.

Some people objected to this, claiming that all of their sins are removed by their mere Islām, they mention Allāh's statement, "If they cease, what has previously occurred will be forgiven them [Al-Anfāl: 38].

There is no *hujjah* in this against us, but rather supports us, because it only explicitly mentions that what is forgiven is that from which they have ceased from. Whoever persists in wrongdoing during their Islām and does not cease does not deserve to have their past forgiven. What is forgiven is only the shirk (polytheism) they ceased from, and if they ceased (by repentance) from all their other wrongdoings, they will be forgiven as well for those sins, otherwise they will not be. This is the explicit meaning of the verse they used as evidence. They have no relation to it.

Masrūq narrated, "'Ā'ishah asked, 'O Messenger of Allāh, Ibn Jud'an used to maintain family ties and feed the poor in the pre-Islamic period. Will that benefit him?' He said, 'It will not benefit him. He never said even for one day, 'O Lord, forgive me my sins on the Day of Judgment.'"

This is a very strong *hujjah* for us against them, because the Prophet only mentioned the reason for his deeds not benefiting him as being the fact that he did not embrace Islām. So, it is established that had he embraced Islām, his deeds would have benefited him, just as they benefited Ḥakīm. This is exactly what we are saying. We never claimed that Allāh rewards a disbeliever who dies in a state of disbelief for the good deeds they did. Rather, we said that whoever embraces Islām after their disbelief is rewarded for every good deed they performed during their state of disbelief.

They also objected with Allāh's statement: "If you associate others with Allāh, your deeds will surely become worthless" [Az-Zumar: 65].

This too is a *ḥujjah* for us, because *shirk* nullifies deeds, and Islām purifies them. This is clarified by Allāh's statement: "Never will I allow to be lost the action of any of you" [Āl 'Imrān: 195].

Our condition was that a person benefits from the good deeds they performed in their state of disbelief if they embrace Islām, but not if they do not embrace Islām.

The Prophet said, "Islām wipes out whatever came before it, *hijrah* wipes out whatever came before it, and *ḥajj* wipes out whatever came before it."

What Islām wipes out is the disbelief which is its opposite. And also Islām, is not some Islām it is all of it, including repentance from the sins, if anyone does that, then without doubt what came before it is wiped out.

The <code>hadīth</code> of Ibn Mas'ūd we mentioned before adds to this narration without contradicting it, instead it provides further clarification and the words of the Messenger of Allāh do not contradict one another. In the <code>hadīth</code> of Ibn Mas'ūd, there is an additional ruling beyond what is found in this narration that whoever sins in Islām will be held accountable for what they did in the pre-Islāmic period, and whoever behaves well in Islām, what they did in the pre-Islāmic period will be forgiven. So the meaning of this narration is only that Islām erases what came before it, provided that the person does good in Islām, repenting from the sins. With Allāh's help, success is achieved.

⁹ Şahīh Muslim 214

¹⁰ Şahīh Muslim 121

They also objected with a narration from the Messenger of Allāh in which he said, "Indeed, Allāh does not wrong a believer for a good deed. He grants them for it in this world and rewards them for it in the Hereafter. As for the disbeliever, they are given for their good deeds in this world according to what they did for Allāh, but when they reach the Hereafter, they will have no good deeds to be rewarded for."

This narration is not a *hujjah* for them because we did not say that a disbeliever who dies in disbelief will be rewarded in the Hereafter. Rather, we said that some people in Hellfire will suffer more severely than others. This is the *ijmā* of the *Ummah* and the explicit statement of the Qur and Sunnah, and anyone who opposes this is a disbeliever. This narration is a *hujjah* for us against them, because when a disbeliever embraces Islām, they become a believer. The Prophet explicitly stated that Allāh does not wrong them for any good deed they did while in a state of disbelief, and once they embrace Islām, those good deeds are included under this truthful promise, guaranteed to be fulfilled. So it is certain that they will be rewarded for it in the Hereafter, confirming our statement with certainty. With Allāh's help, success is achieved.

Likewise, Allāh's statement, "And nothing prevents their spending from being accepted from them except that they disbelieved in Allāh and in His Messenger" [At-Tawbah: 54].

This is a clear clarification that the cause preventing the acceptance of their spending is disbelief. When that disbelief is removed, the cause preventing the acceptance of their spending is also removed. So when that cause is removed, it becomes obligatory to accept their spending. This is the explicit statement of the Qur'ān and Sunnah. With Allāh's help, success is achieved.

When it comes to the time when the $shar\bar{\iota}'ah$ (rulings) become binding, it is categorized into two types:

Rulings that must be believed in (i'tiqād) and articulated.

Rulings that must be acted upon, and this type is further divided into: Rulings related to wealth, and Rulings related to the body.

The rulings concerning wealth/property are obligatory for everyone—young (prepubescent) or old, knowledgeable or ignorant, insane

¹¹ Sahīh Muslim 2808

or sane—because of clear and general evidence in the texts regarding $zak\bar{a}h$ and the $ijm\bar{a}$ on the obligation of spending.

As for the rulings concerning the body and belief (i'ti $q\bar{a}d$), they become binding in only if the two scenarios are met: When a person reaches the age of maturity, transitioning out of childhood and when the rulings reach the individual.

Regarding the <code>hudūd</code>, they are only binding upon anyone who knows that the action they committed is prohibited, regardless of whether they are aware that a <code>hadd</code> exists for it or not. There is no disagreement on this matter. For those unaware that what they did is prohibited, no <code>hadd</code> is imposed on them. The evidence for this is in Allāh's statement: "And this Qur'ān has been revealed to me so that I may warn you and whomever it reaches." [Al-An'ām: 19].

Here, Allāh made the establishment of the *ḥujjah* dependent on the warning reaching the person.

Additionally, Allāh said: "And turn away from the ignorant." [Al-A'rāf: 199].

This indicates that the actions of those who are ignorant are overlooked.

He also said: "O you who have believed, do not betray Allāh and the Messenger or betray your trusts while you know [the consequence]." [Al-Anfāl: 27].

This prohibition is only directed at those who are aware of the matter.

The Prophet said, "By the One in whose hand is the soul of Muḥammad, no one from this *Ummah*, whether Jew or Christian, who hears of me and then dies without believing in what I have been sent with, except that they will be among the people of the Fire." 12

The Prophet $\stackrel{\text{\tiny{de}}}{=}$ only obliged $\bar{\imath}m\bar{a}n$ in him for anyone who hears of him. Therefore, anyone from the farthest reaches of the south, north, east, the islands of the seas, and the farthest corners of the earth who hears mention of him $\stackrel{\text{\tiny{de}}}{=}$ is obliged to investigate his matter, be informed about him, and believe in him.

As for the one to whom the mention of the Prophet \cong has not reached, if they are a *muwaḥḥid* (monotheist), they are considered a believer on the original natural disposition (*fiṭrah*), with valid $\bar{t}m\bar{a}n$, and there is no

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¹² Sahīh Muslim 153



punishment for them in the Hereafter, and they are from the people of Paradise. However, if they are not a muwahhid, they are among those described in the text, where it is mentioned that on the Day of Resurrection, a fire will be kindled for them, and they will be ordered to enter it. Whoever enters it will be saved, and whoever refuses will perish.

And Allāh the Almighty says, "And We would never punish until We sent a messenger" [Al-Isrā': 15]

This establishes that there is no punishment upon a $k\bar{a}fir$ at all until the warning of the Messenger # reaches them.

As for the one who hears about Prophet and what he came with, but cannot find anyone in their land to inform them about him, it is obligatory for them to leave their land and go to a place where they can seek out the truth.

If the Prophet * had not informed us that there would be no prophet after him, it would have been obligatory upon us to investigate the claims of anyone we hear about who claims prophethood.

However, we are secure in this matter, praise be to Allah, because the truthful one (the Prophet) informed us that anyone who claims prophethood after him is a liar, and they will not be able to bring forth any miraculous signs¹³.

If anyone does present something seemingly miraculous, it is only nīranjāt (a deceptive act resembling magic, but it is not truly magic) and tricks, the nature of which is known to those who investigate. Such people include Musaylimah and al-Julāh, and the Dajjāl. None of what appears from these people, or their likes is real; they are only tricks, as we have mentioned. This is clarified by the narration of Al-Mughīrah Ibn Shu'bah from the Prophet # regarding the Dajjāl¹⁴.

Whoever among us is in the wilderness and cannot find anyone to teach them the rulings of their religion, it is obligatory upon them, whether man or woman, to travel to a place where they can find a faqīh who will teach them their religion. If they cannot find one, then it is obligatory for them to bring a scholar to their place to teach them the matters of their religion.

¹³ Şaḥīḥ Muslim 2889 | Sunan Abī Dāwūd 4252

¹⁴ Sahīh Al-Bukari 7122 | Sahīh Muslim 2152, 2939

If the *imām* is aware of this situation, it is obligatory upon him to send a scholar to them to teach them. Allāh Almighty says, "Invite to the way of your Lord with wisdom and good instruction" [An-Naḥl: 125]

The Prophet sent Muʿādh and Abū Mūsā to Yemen, and he sent Abū ʿUbaydah to Baḥrain as teachers of the people, to teach them the matters of their religion. So it is obligatory upon the *a ʿimmah*.

And Allāh Almighty says: "So why (a question that is an obligation) did not go from every group of them a $t\bar{a}$ 'ifah (one person or more) to obtain understanding in the religion and warn their people when they return to them that they might be cautious" [9:122].

 $Bul\bar{u}gh$ (becoming an adult, maturity, or puberty, departing from the rulings of the prepubescent) is divided into different categories.

For both men and women $bul\bar{u}gh$ is reached with the occurrence of wet dreams $(ihtil\bar{a}m)$ based on what has been narrated from the Prophet that he said, "The pen is lifted for three: for the one who is sleeping until they wake up, for the child $(sab\bar{t})$ until they have $ihtil\bar{a}m$ (wet dream), and for the insane person until they regain their sanity."

The word 'child' ($sab\bar{\imath}$) in the language applies to both males and females. The Prophet mentioned in the narration of ' \bar{A} 'isha that women also experience wet dreams le, so wet dreams become a valid indicator of adulthood for both men and women, whether it occurs at the age of eleven years, less, or more.

Adulthood in women is also determined by menstruation the Prophet said, "Tear it into two, and give one part to this girl and the other part to the girl who is with Umm Salamah. I think this one must have menstruated or they both have menstruated."

And the Prophet \cong said, "The prayer of a menstruating woman is not accepted unless she wears a *khimār*." ¹⁸

So the Prophet sobliged the woman that menstruated rulings and that her prayer is not accepted in a certain description and is not accepted otherwise.

¹⁵ Sunan Al-Nasā'ī 3432

¹⁶ Şaḥīḥ Muslim 314 | Musnad Aḥmad 6/92

¹⁷ Sunan Abī Dāwūd 642 | Musnad Ahmad 6/96-238

¹⁸ Sunan Abī Dāwūd 641 | Sunan Al-Tirmidhī 377

And the growth of pubic hair is also a sign of *bulūgh*, as we have narrated from 'Aṭiyyah al-Quraẓī, who said, "I was among those captured from Banū Qurayẓah, and they used to inspect us. Whoever had grown pubic hair was executed, and whoever had not grown any was not killed. I was among those who had not grown any hair."

It is impossible and rejected is that people would be killed in the presence of the Prophet without him knowing whether it was right or wrong. This is something no Muslim would ever think. The people of Qurayzah were killed in the presence of the Prophet and by his order. He said to Sa'd ibn Mu'ādh, "You have judged them with the judgment of the King."

'Abd ul-Mālik ibn 'Umayr narrated, "I heard 'Aṭiyyah al-Qurazī say, 'We were presented to the Prophet son the day of Qurayzah. Whoever had pubic hair was killed, and whoever had not. I was among those who had not reached puberty, so I was let go.'"²¹

Anyone who has not grown pubic hair or had a wet dream, whether man or woman, or the woman has not menstruated, if they exceed nineteen lunar years, that exact moment they are subject to the ruling of adulthood because this is $ijm\bar{a}$. As for those who consider reaching the age of fifteen to be adulthood, without menstruation, wet dreams, or pubic hair, their saying has no evidence.

As for their claim that $bul\bar{u}gh$ occurs on age fifteen, using as argument the narration of Ibn 'Umar, "I was presented to the Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$ on the day of Uḥud when I was fourteen, and he turned me away. Then I was presented to him on the day of Khandaq when I was fifteen, and he allowed me."

And also the narration in which Ibn 'Umar said: "I was presented to the Messenger of Allah when I was fourteen years old, but he did not approve me (for participation in battle), as he did not see me to have reached maturity. Then I was presented to him when I was fifteen years old, and he approved me."

¹⁹ Sunan Abī Dāwūd 4404, 4405 | Sunan Al-Tirmidhī 1584

²⁰ Sahīh al-Bukhārī 3043 | Sahīh Muslim 1768

 $^{^{21}}$ Sunan Al-Kubrā 8620, 8621 | Musnad al-Ṭayālisī 1380 | Al-Muṣannaf by ʿAbd al-Razzāq 18742, 10/179

²² Şaḥīḥ al-Bukhārī 2664, 4097 | Şaḥīḥ Muslim 1868

²³ Sahīh ibn Hibbān 6112, 7/62

These narrations are not a hujjah that $bul\bar{u}gh$ occurs on age fifteen, for three reasons:

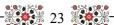
The first reason: The Messenger of Allah did not say, "I approved them because they were fifteen years old." Since that is the case, it is not permissible for anyone to attribute to him something he did not explicitly state. It is possible that he approved them on the day of the Battle of the Trench because it was a siege within Madīnah itself, where boys could be useful in throwing stones and similar tasks. But he did not approve them on the day of Uḥud because it was a day of combat far from Madīnah, attended only by those of strength and endurance.

The second reason: It is possible that he reached $bul\bar{u}gh$ by means other than the age at that time.

The third reason: This narration does not state, either explicitly or implicitly, that they had both completed fifteen years of age at that moment, as al-Shāfi'ī claimed. Moreover, there is no disagreement that, linguistically, a person who is a month or two short of completing sixteen years is still referred to as being "fifteen years old." By that, reliance upon this narration as evidence is entirely invalid. And Allah, the Exalted, grants success.

As for the emergence of semen in wakefulness, from which conception occurs—making the male a father and the female a mother—this is considered maturity (puberty) without any disagreement among scholars.

As for the completion of nineteen years, it is a matter of $ijm\bar{a}$ 'without doubt. Its basis lies in that when the Messenger of Allah arrived in Madīnah, there were boys, young men, and elders there. He made the obligations binding upon those who had transitioned from childhood to manhood, but not upon children. He did not inquire of any of the men around him, saying: "Have you experienced a wet dream? Have you noticed signs of puberty? Have you menstruated?" This is a certainty without any doubt. It is then established with certainty that there is an age at which, when a man or woman reaches it, they are presumed to produce seminal fluid, grow hair, or menstruate, unless they suffer from an impediment preventing such occurrences, just as a condition like alopecia prevents a man from growing a beard, even though, without it, he would be among those capable of growing one without doubt. This is a matter known from the evidence we have cited and the natural course of things observed universally among the people of the earth. There is no doubt that whoever completes nineteen years and enters



their twentieth has exited childhood and joined adulthood. This is undisputed among the people of every religion and region, even if they suffer from a condition preventing the release of semen in sleep or wakefulness, the growth of hair, or menstruation.

And what further indicates that rulings of the religion are only obligatory on those who understand them is what has been authentically narrated from the Prophet # , that he did not rebuke 'Adī Ibn Hātim for his wrong understanding of the verse, "And eat and drink until the white thread of dawn appears to you distinct from the black" [Al-Bagarah: 187], but instead taught him²⁴.

The blame was lifted from 'Adī because he was ignorant and misunderstood it.

The Prophet # did not order Mu'āwiyah Ibn Al-Ḥakam to repeat his prayer when he deliberately spoke during it²⁵ and the Prophet sordered a man who did not perform his bowing and prostration properly to repeat his prayer several times. But when the man informed him that he did not know better, he taught him, and the narrator did not mention that the Prophet # ordered him to repeat any previous prayers²⁶.

And likewise what the Prophet sordered the people of Quba, who had prayed towards Jerusalem even though it had been abrogated, they were not ordered to repeat all previous prayers²⁷.

And the Prophet # did not order qiṣāṣ against Usāmah when he deliberately killed (but with ignorance) a man after that man had said, "Lā Ilāha Illā Allāh."28

The Prophet sonly told him (as he did not know) that what he had done (the act) was prohibited.

And likewise the Prophet did not oblige qişāş against Khālid Ibn Al-Walīd who deliberately killed (but with ignorance) the people from Judhaimah²⁹.

So this invalidates the saying of those that oblige repeating the prayer, establishing the hadd, making up fasts for the jāhil muta'awwil. And

²⁴ Şahīh Muslim 1090 | Şahīh Al-Bukari 1916

²⁵ Sahīh Muslim 538 | Sunan Abī Dāwūd 930, 931

²⁶ Sahīh al-Bukhārī 757

²⁷ Sunan Al-Nasā'ī 745

²⁸ Sahīh al-Bukhārī 4269

²⁹ Sahīh al-Bukhārī 7189

likewise 'Umar and 'Uthmān judged invalidating the *ḥadd* against the black woman that admitted that she did *zinā* because of her ignorance of its prohibition, this is evident and Allāh is the source of strength and all praise is for Allāh the most exalted.



Chapter Thirty: On The Description of *Tafaqquh* In The Religion, What Every Individual Must Seek Of Their Religion, And The Description Of A *Muftī* Who Can Issue A *Fatwā* In The religion, And The Description Of The Obligatory *Ijtihād* For The People Of Islām

Allāh, Exalted is He, said, "So why [$falawl\bar{a}$] did not go from every group of them a $t\bar{a}$ 'ifah [one person or more] to obtain understanding in the religion and warn their people when they return to them that they might be cautious" [At-Tawbah: 122].

The question 'So why!? [falawlā]' is a question that indicates a tawbīkh and tawbīkh is a lawm, and an obligation is that which if someone does not do it, they deserve a lawm, so if there is no nāfir [someone going], not even one—as tā'ifah is in the language at least one person—for tafaqquh at all, then the firqah [entire group] sins.

Allāh also obliged in this verse to accept the warning of the one warning which can be at least one person and more.

If someone asks, "Why do you not accept the 'adl but the thiqah only."

The answer: That is because Allah never ordered us to accept the 'adl there is no verse indicating that, but he instead ordered us to accept the one with tafaqquh which is the thiqah.

In this verse, Allāh, the Almighty, clarified the methodology of obtaining knowledge in religion [tafaqquh] and it divides it into two categories:

The first pertains to an individual concerning their personal obligations, the rulings they encounter in their situations. This is clarified in His saying: "To warn their people when they return to them" [At-Tawbah:



122]. Its meaning is that *ahl al-'ilm* are to teach those ignorant of the rulings necessary on them for their situations.

The second pertains to those who seek the pleasure of Allah by striving to become warners to their people and community.

Allāh, Exalted is He, also said: "So ask ahl al-dhikr if you do not know" [An-Nahl: 43]. This makes it obligatory for everyone to seek knowledge of what is necessary for them from the rulings they encounter in their situations, according to their ability, by exerting effort [ijtihād] in understanding what Allah has ordered.

We have clarified that ijtihād is derived from jahd [effort] and, in religion, refers to a person's exertion in seeking what Allah has ordered in the Qur'an and in what is authentically transmitted from the Prophet ... There is no religion apart from these two sources.

The lowest rank in this pursuit belongs to those among the general public or new Muslims—whether male or female—who have recently left the lands of disbelief.

We have detailed how such individuals must learn the obligatory rulings of Islām in the chapter on invalidating taqlīd in this book, so there is no need to repeat it here. However, we will mention what is essential, which is that every sane, adult Muslim—whether male or female, free or enslaved is obligated to learn the rulings of purification, prayer, and fasting, as these are undisputed obligations among Muslims. Both the sick and the healthy are required to maintain purification and prayer.

So it is obligatory for everyone to know the obligations of prayer, fasting, and purification, as well as how to perform them correctly. Similarly, they must know what is permissible and prohibited regarding food, drink, clothing, private parts, blood, speech, and actions. Ignorance of these matters is impermissible for anyone, regardless of gender, status, or condition.

It is obligatory to begin learning these matters upon reaching the age of maturity [puberty] for Muslims or upon becoming Muslim after reaching maturity. Additionally, it is the responsibility of the *imām* to ensure that husbands and masters of enslaved individuals teach those under their care or facilitate access to someone who can teach them these obligations.

The $im\bar{a}m$ is also required to ensure that all people learn these rulings and to appoint individuals to teach the ignorant.

For those who possess wealth, it is obligatory to learn the rulings related to $zak\bar{a}h$ and its obligations, whether male or female, enslaved or free. However, those without wealth are not obligated to learn $zak\bar{a}h$ rulings. Similarly, anyone obligated to perform hajj must learn the rituals of hajj and 'umrah. Those without physical or financial capability are not obligated to learn these rulings.

Military leaders must learn the rulings regarding military expeditions, warfare, and the *ghanīmah* and *fay*. It is also obligatory for rulers and judges to learn judicial rulings, judgments, and *hudūd*, but these are not obligatory for others.

Traders and anyone involved in buying and selling must learn the rulings on transactions, including what is permissible and impermissible. These rulings are not obligatory for those who do not engage in trade.

It is also necessary for every group residing in a village, city, or Bedouin encampment to have individuals who dedicate themselves to learning the entire Qur'ān and all authentic narrations of rulings transmitted from the Prophet $\stackrel{\text{def}}{=}$, and it is good if they beyond this also seek the $ijm\bar{a}$ and areas of $ikhtil\bar{a}f$ among Muslims. These individuals must teach and guide others in the Qur'ān, Sunnah, and $ijm\bar{a}$. The extent of this obligation depends on the population size, based on the verse mentioned earlier, without overburdening those who seek knowledge.

Once individuals are appointed to fulfill these responsibilities, the obligation is lifted from the rest of the group, except for the personal obligations which the people encounter, this must be sought by everyone as already mentioned. It is not permissible for the $faq\bar{\imath}h$ to rely solely on $ra\,\bar{\imath}$ while neglecting the Qur $\bar{\imath}$ an and authentic Sunnah.

If a locality lacks someone who can impart to them this knowledge, it becomes obligatory for them to travel to where they can find scholars, even if the destination is far away, such as China. This is based on Allāh's statement: "So why did not go forth from every group of them a $t\bar{a}$ 'ifah to gain understanding in the religion and warn their people when they return to them, so they might be cautious" [At-Tawbah: 122]. Going and returning does not happen except by traveling.

For those who already have access to those who can impart knowledge scholars in their locality upon the branches of knowledge we mentioned, there is unanimous agreement among the *Ummah* that they are



not obliged to travel. It suffices to visit the mosque or residence of the scholar,

Similarly, memorizing and teaching the Qur'an is a communal obligation. Every Muslim must memorize Umm al-Qur'an and some portion of the Qur'an. It is obligatory for every community to have individuals who memorize the entire Qur'an and teach it, fulfilling the order of the Prophet to recite them.

So it is established by all what we have mentioned that the going forth [nifār] mentioned is obligatory upon the whole group until some of them fulfill it, thereby lifting the obligation from the rest. As for the one who says that it is not obligatory upon the group but instead upon some of them without specifying who, we suffice in invalidating their statement by pointing out that this would make Allāh's address in that verse apply to no one. For if Allāh does not specify whom He addresses, nor addresses the entire group, then He has not addressed anyone. Exalted is He from that. In that there is the invalidation of the obligation from anyone who has not been addressed, so it is removed from everyone, as no one has been addressed. This results in the nullification of the religion. And with Allah Almighty is the success. So it is obligatory upon everyone till one of them goes.

So, people are of different ranks in this matter. Whoever's understanding rises above the level of those with limited comprehension such as those newly brought from the lands of the non-Arabs—and surpasses the understanding of the common folk with limited intellect, what suffices for others does not suffice for him.

Such a person must engage in *ijtihād* to the best of their ability, seeking knowledge about the rulings they face through the texts of the Qur'ān, the Sunnah, their evidences, as well as ijmā' and its evidences. It is obligatory upon this individual, when they ask a faqīh and receive a fatwā, to inquire, "From where did you derive this ruling?" This allows them to learn as much as their capacity and understanding permit.

As for those who have undertaken the pursuit of figh—those who have gone forth [nafar] to gain understanding in the religion, who carry the obligation of 'going forth' on behalf of their group, and are preparing to warn their people, teach students, respond to questioners, and perhaps even judge between individuals—it is obligatory for them to delve into the sciences of religion to the extent of their ability. This includes learning the rulings of the

Qur'ān, the narrations of the Prophet #, the ranks of the narrations, the ranks of the narrators, and distinguishing between authentic and weak or disconnected chains of transmission. This is their obligatory duty.

If, in addition to this, they acquire knowledge of ijmā', ikhtilāf, the bases of each opinion, and how to refer differing views back to the Our an and Sunnah, this is praiseworthy. It is also obligatory upon them to learn the correct methods of distinguishing truth from falsehood in texts that appear contradictory.

All of this is stipulated in the Qur'ān. Allāh, the Exalted, said: "So they may gain understanding in religion" [At-Tawbah: 122]. This verse establishes the obligation to learn the rulings of the Qur'an and the orders of the Prophet #, as these are the foundation of the religion.

Allāh, the Exalted, also said: "If a sinner comes to you with important information, then investigate" [Al-Ḥujurāt: 6]. From this, it becomes obligatory to distinguish between upright narrators and sinful ones, as well as between reliable ones and those who lack reliability.

As for the knowledge of *ijmā* and *ikhtilāf*, it is claimed by a people that this is obligatory due to the saying of Allah, the Exalted, "O you who believe! Obey Allāh, and obey the Messenger, and those in authority among you" [4:59]

They say, "It is obligatory for us to know what those in authority among us have agreed upon because we are ordered to obey them, and we cannot obey them except after knowing their $ijm\bar{a}$, which makes it obligatory for us to follow them in it. As for knowledge of ikhtilāf, understanding what they differ in, and how to refer these matters back to the Qur'an and the Sunnah, the obligation thereof is indicated by Allah's saying, 'And if you disagree over anything, refer it to Allāh and the Messenger' [An-Nisā': 59]. So it is obligatory for us to know what they disagree over and how to refer it back to the Book and the Sunnah. For if we do not know the ikhtilāf, we might think that the opinion we hear from some scholars has no difference to it, and so we follow it without presenting it to the Qur'an and Sunnah, and by that making a mistake and disobeying Allah Almighty, as we would have adopted an opinion we were forbidden to follow."

This is an error because we are only ordered by Allāh to obey those in authority in what they convey to us from the Messenger of Allāh # . As for them saying from their own selves a ruling for which there is no nass,



this is not permissible for anyone to do, nor is it permissible for anyone to obey those who do so. Allah Almighty has given his Messenger ## the severest of threats against this. How much more severe, then, is the warning against those beneath them? Allah Almighty said, "And if he [the Prophet #] had fabricated against Us some sayings, We would have seized him by the right hand; then We would have cut from him the aorta, and none of you could have protected him" [Al-Ḥāqqah: 44-47]. So it is clear that whoever says something in the religion and attributes it to Allah Almighty has lied and fabricated sayings about Allāh. And whoever does not attribute it to Allāh, then it is not from the religion at all.

So knowledge of *ikhtilāf* and *ijmā* 'āt is only an additional branch of knowledge and not an obligation.

Sa'īd ibn Jubayr said, "The most knowledgeable of people are those most knowledgeable about disagreement." And Sa'īd spoke the truth, as it is indeed an additional branch of knowledge. Likewise, knowing the source of each statement is important.

As for the knowledge of how to establish certain decisive evidence, it is through His saying, "Produce your certain evidence, if you are truthful" [Al-Baqarah: 111]. We do not say anything except what our Lord, Almighty and Exalted, has said, and what He has obligated upon us, and praise be to Allāh, Lord of the worlds. We are merely alerting people to what Allāh has ordered, and pointing out the places of His orders that some may pass over heedlessly or ignorantly. We are also warning our people about what the knowledge we have obtained, by the grace of Allah Almighty, as He has ordered us, "To obtain understanding in the religion and warn their people when they return to them that they might be cautious" [At-Tawbah: 122]. We do not speak from ourselves in this matter at all, and we seek refuge in Allāh from doing so. Allah has not permitted this for anyone, neither in the past nor in the present. We are strengthened by Allāh, the Exalted.

And Allāh has said, "Whatever a Verse [revelation] do We abrogate or cause to be forgotten, We bring a better one or similar to it" [Al-Bagarah: 106].

So it is obligatory upon us to know the abrogating and the abrogated, and it is obligatory for those intending to acquire tafaqquh in the religion, as we have mentioned, to seek assistance from all the sciences that they need in order to understand the words of their Lord Almighty and the words of His Prophet .

Allāh Almighty said "And We did not send any messenger except [speaking] in the language of his people" [Ibrāhīm: 4].

So it is obligatory for the $faq\bar{t}h$ to be knowledgeable in the Arabic language so that he may understand from Allāh, the Exalted, and from the Prophet $\stackrel{\text{def}}{=}$. He must also be knowledgeable in grammar, which is the structure of the Arabs' speech, by which the Qur'ān was revealed, and by which the meanings of speech are understood, which are expressed through the variations in the $harak\bar{a}t$ and the $bin\bar{a}$ ' of words. So whoever is ignorant of the language [the vocabulary associated with names and terms], and ignorant of grammar [which is the knowledge of the differences in $harak\bar{a}t$ that indicate differences in meanings], has not known the language by which Allāh and His Prophet $\stackrel{\text{def}}{=}$, addressed us.

Whoever does not know this language is not allowed to issue *fatwās*, for he is giving *fatwās* on matters he does not know. Allāh Almighty has forbidden this by His saying, "And do not pursue that of which you have no knowledge" [Al-Isrā': 36].

And He said, "And of the people is he who disputes about Allāh without knowledge" [Al-Ḥajj: 3].

He also said, "Here you are – those who argued about that of which you have [some] knowledge, but why do you argue about that of which you have no knowledge?" [Āl 'Imrān: 66].

And He said, "And you say with your mouths that of which you have no knowledge, and you thought it was insignificant while it was, in the sight of Allāh, tremendous" [An-Nūr: 15].

It is obligatory upon the jurist to be knowledgeable about the life of the Prophet $[s\bar{\imath}rah]$ so that he knows his last and earliest orders, his wars against those who fought him, and his peace with those who made peace with him. He must know why he fought, and why he made agreements and prohibited bloodshed after permitting it, and the rulings he made.

Whoever is of this description and is cautious in his *fatwās*, fearing for his religion, and firm in upholding the truth, then issuing *fatwās* is permissible for him. Otherwise, it is prohibited for him to issue *fatwās* or to judge between two people, and it is forbidden for the *imām* to appoint him as a judge or to allow him to issue *fatwās*, and it is prohibited for people to seek



fatwās from him. For if he is not knowledgeable of what we have mentioned, he is not learned in religion. If he is not cautious in his religion, he is a sinner. And if he is not firm in upholding the truth, he neither enjoins good nor forbids evil. And enjoining good and forbidding evil are two obligations upon the people. Allāh, the Exalted, said, "Let there arise from among you a group inviting to goodness, enjoining what is right, and forbidding what is wrong" [Āl 'Imrān: 104]. This is directed to those knowledgeable in what is good and what is wrong, because it is not permissible to call to goodness except for one who knows it, nor can one enjoin good except for one who knows it, and one cannot forbid evil except for one who distinguishes it.

If, along with what we mentioned, the *faqīh* is strong in implementing matters and skilled in siyāsah [The management of its affairs, the administration of its internal and external operations, and the organization of its matters], then it is permissible for him to be a judge or governor; otherwise,

The Messenger of Allāh said, "A strong believer is more beloved to Allāh than a weak believer."30

And the Prophet said to Abū Dharr, "O Abū Dharr, I love for you what I love for myself. I find that thou art weak and I like for thee what I like for myself. Do not rule over [even] two persons and do not manage the property of an orphan."31

While Abū Dharr was among those who were permitted to issue fatwās but was not among those allowed to judge because he did not have the appropriate finesse in handling matters he sought; instead, he had a certain harshness and impulsiveness, which may have led him to repulse the people from him.

The Messenger of Allāh and Muʿādh and Abū Mūsā, when he sent them as judges to Yemen and as teachers of religion and governors, to be lenient and not to repulse the people³².

This, despite the great virtue of Abū Dharr, his noble precedence in Islām, his asceticism, piety, rejection of worldly matters, and his steadfastness on the path upon which his Prophet departed, his boldness in

³¹ Şaḥīḥ Muslim 1826

³⁰ Sahīh Muslim 2664

³² Sahīh al-Bukhārī 4341, 4342, 6124

proclaiming the truth, his indifference to the blame of any critic in the cause of Allāh, and his precedence over most of the Companions.

The limit of fiqh is knowledge of the rulings of the $shar\bar{\tau}$ ah from the Qur'ān and what is authentic from the Prophet which cannot be derived except from him. The Clarification of this limit, as we mentioned, is the knowledge of the rulings of the Qur'ān, its abrogating and abrogated verses, and the knowledge of the rulings of the words of the Messenger of Allāh their abrogating and abrogated aspects, what has been authentically transmitted and what has not, the knowledge of what the scholars have $ijm\bar{a}$ on and what they have $ikhtil\bar{a}f$ in, and how to return the $ikhtil\bar{a}f$ to the Qur'ān and what is authentic of the Messenger. This is the clarification of the knowledge of the rulings $[Shar\bar{\iota}'ah]$.

Anyone who knows a single issue, at the level we described [all of that in one issue], is permitted to issue a $fatw\bar{a}$ on that one issue. His ignorance of what he does not know is not an obstacle to issuing a $fatw\bar{a}$ on what he knows with certainty, nor does his knowledge of what he knows allow him to issue a $fatw\bar{a}$ on what he does not know. No one after the Prophet encompasses all knowledge; much is hidden from everyone that is present with others.

If no one were allowed to issue any $fatw\bar{a}$ except for one who encompasses all knowledge of the religion entirely, then no one after the Messenger of Allāh $\stackrel{\text{def}}{=}$ would be allowed to issue a $fatw\bar{a}$ at all. This is something no Muslim says, as it invalidates the religion and is disbelief from its speaker.

The Prophet sending rulers to the lands to teach the people the Qur'ān and the rulings of the religion, while none of them [the rulers] encompassed all of it, because verses and rulings continued to be revealed after them, is clear evidence that scholars, even if much knowledge is hidden from them, are still allowed to issue *fatwās* and judge by what they know.

This also clearly indicates that anyone who knows something of the religion correctly has the right to issue a $fatw\bar{a}$ on it and must seek knowledge of what they are ignorant of.

If someone knows that a narration concerning the issue at hand has escaped them [he does not know it anymore], it is not permissible for them to issue a $fatw\bar{a}$ on it until they become aware of that narration.



As for one who does not know the rulings in the manner we described but merely took issues by taglīd, it is not permissible for a Muslim to ask them for a fatwā, nor is it permissible for them to issue a fatwā between two people, nor for the *imām* to appoint them as a judge or ruler at all. If they are appointed in that way, it is not permissible for them to judge between two people. No one after the Prophet is anything except that he makes mistakes or is correct. Their mistake does not prevent their correct judgment from being accepted, and with Allāh lies success.

So if a person has knowledge of all texts on regarding an issue and knows the correct methods of deriving rulings, in the methods we clarified in all previous chapters, then he is allowed to rule that issue. Otherwise, he speaks about that which he has no knowledge of, has no certainty of, this is prohibited.

There does not exist $muft\bar{t}$ in religion or medicine except one of three types of people:

Either a scholar who issues *fatwās* based on the *nusūs* he has reached after research and investigation as he is obliged—this person is rewarded whether he is right or wrong, and it is obligatory for him to issue rulings based on his knowledge.

Or, a sinful person who issues fatwās based on what suits him, seeking leadership or financial gain, knowing that he is not issuing the ruling as obliged.

Or, an ignorant person with a weak mind who issues fatwas without certainty knowledge, thinking he is correct but without having sought in the way that is obligatory, and if he were rational, he would know he is ignorant and would not venture into what he is not good in.

Abū Muḥammad narrated, "Abū al-Zinād Sirāj ibn Sirāj and Khalaf ibn 'Uthmān al-Baḥḥām, and Abū 'Uthmān Sa'īd ibn Muḥammad al-Darab all narrated to me, saying, 'I heard 'Abdullāh ibn Ibrāhīm al-Asīlī say that Al-Abharī Abū Bakr Muḥammad ibn Ṣāliḥ al-Mālikī said to me, 'What is the description of a *faqīh* in your land, in Al-Andalus?' I said to him, 'He studies Al-Mudawwanah and perhaps Al-Mustakhrajah, and when he memorizes their issues, he issues fatwās.' He said to me, 'This is what the description is?' I said to him, 'Yes.' He said to me, 'The *ummah* has *ijmā* 'that someone with this description is not permitted to issue fatwās?"



Abū Muhammad narrated, "Abū Marwan Abd al-Mālik ibn Ahmad al-Marwānī narrated to me, saying, 'I heard Ahmad ibn Abd al-Mālik al-Ishbilī, known as Ibn al-Makrī, while we were returning from a funeral in the suburb by the river in Cordoba, and someone asked him, 'What is the level a person must reach to be permitted to issue *fatwās*?' Then Ahmad ibn al-Layth al-Ansārī informed me that a copy of the 'Al-Ikhtilāf al-Awsat' by Ibn al-Mundhir was sent to him and to the judge Abū Bakr Yaḥyā ibn Abd al-Raḥmān ibn Wāqid. When they examined it, they said, 'This is a book of someone who, if it is not in his house, has not smelled the scent of knowledge.' Then Ibn Waqid added, 'And it is not in our homes, so we have not smelled the scent of knowledge."

We do not bring forth what we have mentioned as an argument for our position, but rather as an ilzām upon them according to what they are implied, for the words of the great scholars of our lands according to them are more certain than direct evidence and more deserving of obedience than what those scholars narrate from the narrations of the Prophet . We seek refuge in Allah from misguidance.

We have clarified the description of seeking knowledge, the *muftī*, and the *ijtihād* that we order and commend. It is the search for the ruling on an issue from the text of the Qur'an and authentic narration, seeking the abrogating from the abrogated, and the method of combining narrations together with the verses of the Qur'an together or only verses together as we explained earlier in this book.

There is absolutely nothing obligatory besides this. If he examines the statements of the Companions, the tābi īn, and those who came after them, generation after generation, it becomes obligatory for him to consider all the scholars' sayings equally and judge them in light of the Qur'ān and the Sunnah. Whichever opinion aligns with them, he takes it, issues fatwās accordingly, and disregards the others.

If he finds nothing from what has reached him in the Qur'an or the Sunnah, it is impermissible for him to follow any of these sayings. Instead, he must adhere solely to the Qur'an and the Sunnah, even if he does not come across anyone who previously expressed the same view. This is because, as we have clarified in our discussion on $ijm\bar{a}$, it is impossible to fully comprehend the statements of all preceding scholars, and evidence confirms that no era is devoid of someone who upholds the truth. This is the correct



form of *ijtihād*, for which the one who practices it is always rewarded. If his conclusion aligns with the truth in the sight of Allāh, he earns an additional reward for being correct, resulting in two rewards. If he does not reach the truth, he is not sinful and still earns a reward for seeking the truth and striving for it, as the poet said:

"Not everyone for whom the truth is described finds it. Nor does everyone who heads for the landmarks discern them."

Anything called *ijtihād* that is other than what we have mentioned is false and a lie, defining ijtihād just as someone bitten by a snake is called "safe" [salīm], and something deadly is called a "place of safety" [mafāzah], the sooty black one is called "father of the white" [Abū Al-Bayḍā'] and the blind is called the one with sight [baṣīr]. Likewise, some people have called intoxicants "nabīdh" to permit it while it is khamr.

What we have said is made clear by the Prophet *s's saying, "If the *ḥākim* does *ijtihād* and is mistaken, he has one reward, and if he is correct, he has two rewards."

There is a point that needs clarification here due to the misunderstanding of most people, which is the application of the terms "memorization" [hifz], "knowledge" ['ilm], and "understanding" [figh] to everything that deserves any of these names. These are terms that refer to distinct attributes, so it is necessary to clarify them. We will explain this in the 'ilm of the sharī 'ah discussed in this book of ours, and by Allāh's grace and might, we are strengthened—there is no god but He. We say, and with Allāh's help we seek assistance:

Memorization [hifz] refers to an attribute of a person. It pertains to their ability to recall the majority of what has been authored, compiled, or mentioned within the scope of their knowledge and purpose. For instance, someone who memorizes the majority of the Qur'an, most of the hadīth, or the textual issues of their chosen madhhab that they adhere to—this defines memorization.

As for the term "knowledge" ['ilm], it refers to an attribute of a person and indicates the vastness of their oversight over the rulings in the Qur'ān and narrations—whether authentic or weak. If they also possess familiarity with the sayings of others, this is commendable. The more a person expands their understanding in these areas, the more they deserve the title of "knowledgeable." This principle applies to every field of knowledge.

In addition to this, they must also recall most of what they know. However, this is not the literal linguistic meaning of the word "knowledge" ['ilm]; rather, it is its applied meaning in expressions like: "So-and-so is knowledgeable ['ālim]," or "So-and-so is more knowledgeable [a 'lam] than another." As for the linguistic definition of "knowledge," we have already explained it in this book of ours.

The term "fiqh" [understanding] refers to an attribute of a person. It signifies their comprehension of what they know, their awareness of the true meanings of the words of the Qur'ān and narrations, their grasp of these meanings, and their ability to recall them whenever needed. The proponents of qiyās [ahl al-qiyās] add an additional characteristic, which is familiarity with analogous rulings and issues, as well as the ability to distinguish between them.

These, then, are the meanings of the terms used in the statements: "So-and-so is a *ḥāfiz*," "So-and-so is an *'ālim*," and "So-and-so is a *faqīh*."

If someone were to ask, "Is $ijtih\bar{a}d$ permissible in the presence of the Prophet $\stackrel{\text{\tiny{def}}}{=}$."

The answer: It was allowed in matters that they had not been ordered to do or prohibited from, but were permissible for them, such as their *ijtihād* in determining a call to prayer. This was not an obligatory ruling, but rather a signal from some to others, like one of us saying to his neighbor when he rises for prayer, "Come with us to prayer." However, when revelation descended upon the Prophet, confirming the vision of 'Abdullāh ibn Zayd al-Anṣārī, everything they had agreed upon was nullified³³.

A group also exercised *ijtihād* in the presence of the Prophet , regarding who the seventy thousand were that would enter Paradise with faces shining like the full moon, and they erred in this until the Prophet clarified who they were. He did not criticize them for their *ijtihād*, although they were mistaken, but rather clarified without rebuking them for their *ijtihād*, even though they were mistaken. He clarified that they had not reached the correct conclusion and that the truth was contrary to what they had all said.

³³ Sunan Abī Dāwūd 499

³⁴ Sahīh al-Bukhārī 3410, 5705, 6541



So *ijtihād* is permissible in ta wīl of such matters and in identifying certain practices such as attending prayer, or the things that are like that (matters that are permissible to do and permissible to leave).

However, in matters that involve imposing obligatory duties, prohibiting something, or enforcing hadd, it is prohibited for anyone to engage in *ijtihād* based solely on their ra \bar{i} or to speak from any angle.

This is because such actions would make them as though they were legislating without the permission of Allāh and fabricating lies about Allāh, may He be exalted. Allah has protected them from such things.

Whatever was permissible for them [the Companions], may Allāh be pleased with them, to exercise *ijtihād* in is permissible for us and for everyone until the Day of Judgment. Whatever was prohibited for us was likewise prohibited for them, and there is no difference in this regard.

Abū Al-Sanābil issued a fatwā based on his ijtihād regarding a woman whose husband had died while she was pregnant, taking the verse of four months and ten days as his basis. He was mistaken³⁵, yet because he was a mujtahid he is rewarded with one reward because he did not reach the correct ruling of Allah, the Exalted.

As for the narration of Mu'ādh, where it is narrated that he said, "I will do *ijithād* with my ra 'ī," and the narration of 'Abdullāh Ibn 'Umar where he said, "I will do *ijtihād* of ra 'ī in your presence, O Messenger of Allāh."

Both are weak narrations. The narration of Mu'ādh is narrated by majhūl men from the people of Homs, and the hadīth of 'Abdullāh is also mungati' and not muttasil. We will clarify these narrations in the greatest of details in the chapters of *qiyās* by the will of Allāh.

If someone asks, "Is *ijtihād* permissible for the prophets?"

The answer, with the guidance of Allāh: Whoever thinks that *ijtihād* is permissible for them in making a ruling that has not been revealed to them by $wah\bar{\imath}$ has committed an immense *kufr*. It suffices to indicate the falsehood of this, by Allah's order to His Prophet # to say, "Say, 'I only follow what is revealed to me" [6:50].

And His statement, "Nor does he speak of his own desire; it is only a revelation revealed" [53:3-4].

³⁵ Sahīh al-Bukhārī 3991

39

And His statement, "And if he had made up about Us some false sayings, We would have seized him by the right hand; then We would have cut from him the aorta" [69:44-46].

And we mentioned before the narration that the Prophet $\stackrel{\text{de}}{=}$ would be asked about something and would wait for revelation, saying, "Nothing has been revealed to me regarding this matter." In the narration about the $zak\bar{a}h$ on donkeys and the inheritance of two daughters with an uncle and wife, and many other narrations.

If anyone asks, "Is *ijtihād* permissible in accepting two witnesses while it is possible that they may be negligent, and likewise, ruling by an oath that might be a lie?"

The answer: Both are permissible because the Prophet was specifically ordered to do so, and he was not given knowledge of the unseen in every matter. He was only ordered to accept the testimony of two upright Muslims or one upright witness with the oath of the claimant, or a single woman in matters of breastfeeding, or two disbelievers in cases of testimony during travel, or one witness for sighting the new moon, or four just witnesses in cases of adultery, or two women in place of one man, or the defendant's oath if he rejects and if he was acknowledging as long as the testimony is not known to be false. This is all mere obedience to the orders as we clarified before.

Allāh allows whomever He wills to oppress whomever He wills, and on the Day of Judgment, justice will be established for every wronged person, And the day, "Nothing small or great leaves except that it has enumerated it?" [18:49]. And no weight of a speck of dust except that it is recompensed, except what is forgiven due to repentance or by avoiding major sins.

And this is all as long as the judge does not have additional knowledge about the case, if he does have knowledge then he carries that the judgment based on that, not the testimonies.

This is clear *naṣṣ* of what we have said. The Prophet ** clarified this by saying, "Whoever I have judged for him something from his brother's right, let him not take it, for I have only cut for him a piece of the fire."

The Prophet salso said, "Whoever takes an oath falsely on my pulpit, Allāh will forbid him from Paradise and obligate Hell for him."

³⁶ Sunan Al-Kubrā 6018 | Sunan Abī Dāwūd 3246

And the saying of the Prophet when he was asked by Al-Hadramī about his opponent, saying, "O Messenger of Allāh, he is wicked and does not refrain from anything," and the Prophet # had already ordered him to take an oath, the Prophet # replied, "You have no other option." 37

And when his Companions asked him after the killing of 'Abdullāh ibn Sahl, "O Messenger of Allāh, will you accept the oaths of a Jew?" the Prophet \cong gave them no other option³⁸.

The Prophet also said to those involved in *li 'ān* [mutual cursing], "One of you is lying. Is there any among you who will repent?"³⁹

This clarifies that the Prophet sonly acted according to what his Lord ordered him and was not tasked with giving the rightful party their due with absolute certainty or with knowing the flaws of witnesses as long as he does not have certain knowledge of that. Neither are we tasked with that; we are only obliged to judge by the apparent uprightness of witnesses and the knowledge we have. He is unable to do any more than judge with the apparent testimonies to him and the apparent knowledge to him. Just as he was ordered to accept the oath of the one denying.

And these are two different matters:

The first is judging based on the testimony of witnesses and refraining from ruling against someone who swears an oath in a case where they are required to take it. This is what the Prophet so obligated, and what we are obligated to uphold after him.

The second is ensuring that the rightful owner, according to Allāh's knowledge, receives their due. However, it is not possible to know this in every situation. If we are unable to fulfill this or align perfectly with what is just in the sight of Allāh Almighty, there is no sin or blame, as it is impossible to have certain knowledge of this, nor have we been tasked with it.

This is not called *ijtihād* at all but rather the certainty of following what the Prophet sordered of ruling with the upright testimonies to the extent one is capable of knowing it, which is the apparent truth, and in accepting the oath of the defendant.

There is no way for the Prophet ** to use *ijtihād* when it comes to any ruling (shar'), as the orders are revealed to him with certainty, and there was

³⁷ Şaḥīḥ Muslim 139 | Sunan Abī Dāwūd 3245

³⁸ Şaḥīḥ al-Bukhārī 2356, 2515, 2666, 2669

³⁹ Sahīh al-Bukhārī 5311

no ambiguity in them. He acted upon what was specific from its general, the abrogating from the abrogated, the excluding from the excluded, all with certainty and insight in everything that was revealed to him.

As for the *ijtihād* that we are tasked with, it is to seek these meanings, though we do not witness them all. We know them, but we accept them from reliable sources whom Allah ordered us to accept, until they reach those who witnessed them. And neither they nor we know all of this with absolute certainty.

If anyone objects by citing the Prophet *s's action of taking ransom, for which he was later admonished⁴⁰.

The answer is that we do not deny the possibility of the Prophet # doing something that had not yet been prohibited by his Lord but was later deemed prohibited. What is rejected, however, is the idea that the Prophet # would do something after it had been explicitly prohibited.

As for the possibility of the Prophet # making an error while intending good, we do not deny this, but he would never persist in or be left upon such an error. This does not pertain to rulings of obligations or prohibitions but instead to matters that were permissible for him because they had not yet been prohibited or ordered. An example is his action regarding Ibn Umm Maktūm, for which the verse, "He frowned and turned away" [80:1] was revealed.

Some who allowed *ijtihād* with ra'ī in the religion matters have argued using the story of Sulayman and Dawud, "And Dawud and Sulayman, when they judged concerning the field when the people's sheep strayed therein by night, and We were witnesses to their judgment" [21:78].

This is a matter on which people have differed in various ways. Some said that Allāh abrogated the ruling of Dāwūd with the ruling of Sulaymān.

And that is false, for if that were the case, Dāwūd would have been made aware of it, as he would have been ruling by an order that had not yet been abrogated. Sulayman would not have been more deserving of understanding it than Dāwūd.

Others said that Dāwūd ruled by an apparent evidence that did not correspond to the truth, while Sulayman's judgment matched the truth.

What we say is that Dāwūd judged based on the apparent matter, just as we would judge based on the testimony of two just witnesses in front of

⁴⁰ Sahīh Muslim 1763



us, though in Allāh's knowledge, which is hidden from us, they may be negligent. Then Allah revealed the unseen truth of that case to Sulayman, and certainty was revealed down to him about who had the rightful claim, which appears to be different from the testimony of the witnesses, or something similar to that of what Allah made Sulayman understand with certainty the true claimant. This is the understanding of that verse that no one is allowed to oppose at all, as all other explanations are false.

The verse itself says, "And to each of them We gave judgment and knowledge" [21:79].

It is clear that Dāwūd ruled with the judgment and knowledge Allāh gave him in that matter, and Sulayman ruled with the judgment and knowledge Allāh gave him through a deeper understanding of its reality.

As for the case of the two women disputing over the child, and Sulaymān's request for a knife to split the child between them⁴¹. Sulaymān # only intended to test their patience. He never actually intended to split the child. He merely called for the knife, making them think he would do so.

It's possible Allāh ordered him to do this, just as He ordered Ibrāhīm sto sacrifice his son Ismā'īl, sthough Allāh never intended for him to actually sacrifice him. Rather, He wanted to test Ibrāhīm's patience, and similarly, He tested the two women. Then He prohibited Sulayman from splitting the child once it became clear which one was the mother, just as He stopped Ibrāhīm from sacrificing Ismā'īl. This is a clear, sound explanation, and Allah knows best.

As for the matter of Mūsā and Al-Khadir Al-Khadir as a prophet who received revelation, and he did not do anything he did by ijtihād as some believe who have no 'aql. Rather, he did all of that by revelation that Allāh revealed to him. The evidence for this is Allāh's clear statement when He mentions Al-Khadir saying to Moses, "And I did not do it of my own accord. That is the ta 'wīl of what you could not have patience with' [18:82].

As for Mūsā # questioning Al-Khadir about this, he did so because he forgot his agreement. We do not deny that prophets can forget. Our Prophet once prayed a fifth unit of prayer out of forgetfulness, and he also concluded the prayer after three or two units out of forgetfulness. What we said is is from the clear nass of the Qur'an, where Allah mentions about

⁴¹ Sahīh Muslim 1720

Moses saying to al-Khadir, "Do not blame me for what I forgot, and do not overburden me in my affair with difficulty" [18:73].

If they argue with the narration attributed to the Prophet ## that he said, "I judge between you based on my ra $\bar{\imath}$ in matters in which no revelation has been sent to me."42 — this narration is weak and fabricated. Usamah Ibn Zayd is weak, and his narrations are not a *hujjah*, and this is agreed upon.

What further clarifies the falsehood of this narration is what we mentioned at the beginning of this chapter: the narrations in which the Prophet refrained from judging in matters where nothing had been revealed to him and waited for revelation in all such cases. It is sufficient to mention Allāh's order to him in the Qur'ān: "I only follow what is revealed to me" [6:50].

And His saying: "And he does not speak from [his own] desire, it is only a revelation revealed" [53:3-4].

Allāh ordered him to say: "Say, 'It is not for me to change it of my own accord. I only follow what is revealed to me" [10:15].

If the Prophet # had ruled anything without revelation, he would have been altering the religion of his own accord. Whoever permits this has committed disbelief and exited Islām. We seek refuge in Allāh from such misguidance.

If anyone objects by citing the verse, "So that you may judge between people by what Allāh has shown you" [4:105], then what Allāh has shown him is the *dhikr* and the *waḥī* the revelation, as clearly stated in the beginning of that verse, "Indeed, We have sent down to you the Book in truth so that you may judge between people by what Allāh has shown you" [4:105].

Allāh Almighty also said: "And indeed, they were about to tempt you away from what We revealed to you so that you might invent something else against Us" [Al-Isrā': 73].

Then Allah threatened against that and said, "Then We would have made you taste double [punishment] in life and double [punishment] after death, and then you would not find against Us any helper" [Al-Isrā': 75].

This clarifies that had the Prophet # made an obligation of anything without revelation, he would have been fabricating lies against his Lord. But Allāh protected him from that, and whoever claims that the Prophet # did such a thing has committed disbelief. So it is clear that the Prophet # did not

⁴² Sunan Abī Dāwūd 3584, 3585

do anything except through revelation, so the claim that the Prophet did ijtihād by ahl ul-ra ī and qivās is entirely invalidated.

And Allah said: "For each [of you] We have made a law and a clear way" [5:48].

This verse indicates that every Prophet only follows the rulings revealed to them only not the rulings of the other Prophets.

As for worldly matters and war strategies, where no prohibition has been revealed, Allāh Almighty allowed the Prophet ## to manage these affairs as he saw fit. We do not deny that the Prophet managed such matters based on what he deemed beneficial. If Allāh willed to allow it, He would approve it; and if He willed to later prevent it, He will prohibit it when he wills later. However, all of this falls under what had already been revealed to him as permissible with no other way.

As for prohibitions and obligations, there is absolutely no way for that at all. For example, when the Prophet intended to make a peace treaty with the tribe of Ghatafan, offering them one-third of the dates of Madīnah⁴³, this was permissible. People are free to give as gifts from their wealth as they wish, as long as they are not prohibited from doing so. They are also free to withhold, as long as they are not ordered to give.

Similarly, the Prophet # had the freedom to choose where to camp during battles, as long as he was not prohibited from or ordered to a specific location.

Likewise, the saying of the Prophet about the pollination of the date trees in Madīnah was related to worldly matters. A person is allowed to pollinate their palm trees or tend to their fig trees, and it is permissible to leave them untended.

Abū Muḥammad narrated, "I was informed by Muḥammad Ibn 'Abdullāh Al-Hamdānī from his father that he left his fig trees for several years without pollinating them, and they grew well without the need for pollination. It is possible that the same could apply to palm trees—if pollination were abandoned year after year, they might thrive without it."

All of these matters are not related to the obligatory or prohibited aspects of religion; they are merely permissible among the matters of the daily life, which people are free to engage in or refrain from as they wish.

⁴³ Al-Amwāl by Abū 'Ubayd 445 | Al-Amwāl Ibn Zanjuwayh 657

The only prohibited *ijtihād* is that which relates to prohibitions or obligations without any nass. The Prophet # himself confirmed this in the narration about pollination, saying: "You are more knowledgeable about your worldly affairs."

Anas narrated, "The Messenger of Allāh # passed by some people pollinating their date palms and said, 'If you do not do this, it might be better.' The dates later turned out poorly. He then passed by them again and asked, 'What happened to your palm trees?' They replied, 'You said such and such.' He said, 'You are more knowledgeable about your worldly affairs." 44

This is a clear statement, with an authentic chain of transmission, regarding the distinction between ra \bar{i} in worldly matters (what is permissible to both do and not do) and religious matters, and that the Prophet did not speak about religion except from what Allah revealed.

And in the remaining matters where he $\frac{1}{2}$ spoke from his own $ra'\bar{i}$, it was possible for others to advise him otherwise, and he would accept that advice because all such matters were permissible for him, [as we said before these are matters that are only permissible, to do and not to do so ra \bar{i} in it is possible]. We are more knowledgeable than him about worldly matters which has no good in it except very few, whereas he has the most knowledge about Allāh's orders that lead to the real goodness. This is naṣṣ of our saying, and Allāh is the One who grants success. This is sufficient, and all praise is due to the Lord of the Worlds.

Among the examples of this is when Abū Bakr said to the Prophet # during the Treaty of Hudaybiyyah, after some suggested attacking the families of the Quraysh, "I see that we should continue on our way." 45

This is entirely permissible for the $im\bar{a}m$, whether to engage in battle or to delay it, whether on that day, that month, or at a later time.

So now that *ijtihād* is the seeking of truth (Qur'ān and Sunnah) through methods that lead to it, not through means that do not (taglīd). Seeking, as we mentioned, is istidlal, and istidlal and ijtihad are the same thing.

It is possible for a person to do istidlāl without arriving at the correct conclusion, and the truth in itself is something else. A matter may be the truth,

⁴⁴ Sahīh Muslim 2363

⁴⁵ Al-Muşannaf by Ibn Abī Shaybah 36855, 7/387, 389 | Al-Maghāzī by Al-Wāqidī 2/579-581



but the seeker of it may not find it, and that does not harm the truth. Just as there are things in our own homes, things that people other than us do not know. The ignorance of the one that is ignorant or the zann of something which is not in that matter does not change the truth from its way just as knowledge of it does not change the truth to a higher state of being the truth. The truth being known and truth being unknown is the same in that both is the truth, both occur under the genus of the truth.

And everyone whom something, narration about the Prophet # reaches, then he is obliged to investigate it. If he does not, he disobeys Allāh Almighty.

And everyone on whom the hujjah is established from usulle ullet which he validates and recognizes as the truth, and he understands it, but he does not return to it because of his taglīd, or because he has conjecture that there is another *hujjah* which he does not know then he is a sinner $[f\bar{a}siq]$.

This is like the one that acknowledges khabar ul-wāḥid, then an authentic *musnad* narration reaches him but he abandons it for qiyas or desire [hawā] or because of taglīd of Mālik, Al-Shāfi'ī, Abū Hanīfah, Ahmad, Dāwūd, a companion, a tabi 'ī, an early or later faqīh believing that that faqīh or companion had a surplus knowledge which he is ignorant of or that the nass which one of them made a *qivās* of is more deserving to be followed then they are sinners and their state of uprightness is false, disobedient to Allāh.

As for one who follows another narration that opposes the one he first encountered, so long as he has not fully developed understanding for the methodology for reconciling narrations and verses, he is rewarded for his ijtihād, even if he is mistaken, and there is no sin upon him for his mistake. This applies equally to both the verses and narration, with no distinction. However, those previously mentioned are different because they abandoned the method after knowing it, and they fall into the category of those who oppose the Messenger after guidance has become clear to them.

And if someone has established the methodology for reconciling narrations and verses, or between narrations and verses, verses and verses, narrations and narrations and yet does not accept their implications, he is sinful [he knows the truth but only does not act upon it], as we mentioned earlier regarding the verse: "And whoever opposes the Messenger after guidance has become clear to him and follows a path other than that of the

believers, We will turn him to what he has chosen and burn him in Hell, and what an evil destination" [4:115].

The one who does what we just mentioned has abandoned what he himself acknowledged with his tongue to be guidance and the order of Allāh and His Messenger and has borne witness against himself.

Similarly, one who rejects the acceptance of khabar ul-wāhid or comes with a method of combining authentic narrations, and then the hujjah is established against him with the certain decisive evidences that return to the nusūs and its correct understanding and he understands it and does not return to the truth. Someone is only excused as long as the hujjah is not established for his ignorance only, and likewise for the one the certain decisive evidences are established on the falsehood of $qiy\bar{a}s$ and he continues it by act.

As for someone who permits a companion or anyone lower than them to abrogate something ordered by the Messenger of Allāh or to introduce a new ruling in the religion, that person is a kāfir mushrik, whose, similar to the Jews and Christians. Upon him is the curse of Allāh, the curse of the angels, and the curse of all people. We declare ourselves free of him, and he is free of us. If, however, the *hujjah* is not established against him, then he is merely mistaken and is rewarded once for his intention to seek the good. Allāh Almighty is the One who grants success, and He is sufficient for us, and the best disposer of affairs.



Chapter Thirty-One: The Obligation Of Intentions In All Actions, And The Distinction Between Errors Committed Deliberately Without The Intention To Oppose What Was Ordered, And Errors Committed Without Deliberation, As Well As Actions Accompanied By Intent

Allāh, the Exalted, said, "And they were not commanded except to worship Allāh, being sincere to Him in religion" [98:5].

And He, the Exalted, said, "And whoever does that, seeking the pleasure of Allāh, We will give him a great reward" [4:114].

And He said, "Nor do I say to those upon whom your eyes look down that Allāh will never grant them any good — Allāh knows best what is within their souls" [11:31].

And He, the Exalted, said, "Certainly was Allah pleased with the believers when they pledged allegiance to you under the tree, and He knew what was in their hearts, so He sent down tranquility upon them and rewarded them with a near victory" [48:18].

And He said, "For indeed, it is not the eyes that are blinded, but blinded are the hearts which are within the breasts" [22:46].

And He, the Exalted, said, "When the hypocrites come to you, they say, 'We testify that you are the Messenger of Allāh.' And Allāh knows that you are His Messenger, and Allah testifies that the hypocrites are liars" [63:1].

The Prophet said, "Indeed, in the body is a morsel of flesh; if it is sound, the entire body is sound, and if it is corrupt, the entire body is corrupt. Indeed, it is the heart."46

⁴⁶ Sahīh al-Bukhārī 52

The Prophet said, "Piety is here," and he pointed to his chest three times⁴⁷.

The Prophet said, "Indeed, actions are by intentions, and every person will have what they intended."48

And the Prophet said, "Indeed, Allāh does not look at your images or your wealth, but He looks at your hearts and your deeds."49

So it is established from all that we have mentioned that the nafs (soul) is the one that is commanded to perform deeds, while the body is merely its instrument. If the *nafs* intends a particular purpose through the action performed by the body, it is bound to that intention alone and does not have another.

It is also evident that Allāh, exalted is He, accepts only what He has ordered, and He has ordered sincerity (ikhlās) for Him alone. So, any action that is not intended for the purpose that Allah, exalted is He, has ordered, cannot substitute (be valid) for what He has ordained.

This invalidates the claim of those who say that if someone performs ablution (wudū') to cool off or to teach, or performs tayammum without intention, or abstains from eating, drinking, or intercourse without intention, or walks in the rites of pilgrimage without intention, that these acts will suffice for the $wud\bar{u}$ prescribed for prayer, the tayammum prescribed for prayer, the fasting prescribed or voluntarily done for Allah, or the haji prescribed or voluntarily done for Allāh.

This is because the person did not perform any of these acts sincerely for Allāh, exalted is He, nor did they seek His pleasure, nor did they intend by them what Allāh, exalted is He, has ordered. Without the proper intention and sincerity, the acts cannot fulfill the obligation or earn acceptance.

And Allāh, exalted is He, has informed us through the tongue of His Prophet ## that He does not look at appearances. If He does not look at appearances, then it is invalid to claim that the mere act of outward appearance can substitute for the act of the heart, which is intention (*niyyah*). It is then established that He, exalted is He, only looks at the heart and what is intended by it, and nothing else. There is no evidence more explicit than Allāh, exalted is He, refuting the hypocrites regarding their testimony that

⁴⁷ Şaḥīḥ Muslim 2564 | Musnad Aḥmad 2/277

⁴⁸ Saḥīḥ al-Bukhārī 1

⁴⁹ Sahīh Muslim 2564 | Sunan Ibn Mājah 4143

Muhammad is the Messenger of Allāh, as their outward words did not align with the truth within their hearts.

This is the essence and foundation of truth, which no truth can be complete without. Since they did not intend that statement with their hearts, they became liars in it. This is a clear clarification of the invalidity of every statement and action that is not intended with the heart.

We recite the statements of the disbelievers, and we recite them in the Qur'an, but since we do not intend them with our hearts, it does not harm us in any way.

It is established by the explicit narration from the Messenger of Allāh ## that piety is in the heart. So, every action that the heart does not intend is not piety, and every action not intended by the morsel of flesh [the heart] by which the body is rectified is invalid, even if the body performs it.

In this, there is sufficient indication, while those who say other than what we say contradict themselves in the worst way. Some differentiate between tayammum and $wud\bar{u}$, and some differentiate in intention for fasting between the beginning and end of the day, and some differentiate in haji between *iḥrām* [the state of consecration] and the rest of its obligations. All of this is overstepping in religion with corrupt ra \tilde{i} and misleading desires without any certain decisive evidence from Allah, Exalted is He.

If one of them says, "Allāh, Exalted is He, has only ordered washing the limbs for $wud\bar{u}$, so whoever washes them, even if they have no intention, has washed them."

It is said to him, and by Allāh's grace: Allāh, Exalted is He, never ordered washing them without the intention of doing so for prayer. This is made clear in the two verses we recited and in the two authentic narrations we have mentioned. And also, prayer consists of movements, including standing, bowing, and placing the head on the ground. If a person were to do that while lying down, reflecting on something before him, and resting, until he completes two rak'ahs during the time of the subh prayer without intending by that the *subh* prayer, do you think that this would suffice for the obligatory subh prayer? This is something they would never say. They have indeed fallen into contradiction.

If they argue in the case of fasting with what was narrated that the Prophet would enter upon 'Ā' ishah and ask, "Do you have any food?" and if she said no, he would say, "I am fasting." ⁵⁰

It is said to them, by Allāh's guidance: There is no *hujjah* for them in this because there is no explicit text indicating that the Prophet began fasting at that moment. It is possible that the Prophet asked, "Do you have any food?" while he had already intended to fast, and if he had found food, he would have broken his [voluntary] fast and left the fast, just as it was narrated from 'Ā'ishah that she brought food to him, and he ate and said, "I had intended to fast this morning." ⁵¹

This is also permissible for us. As for an action without intention, it is impossible, as we have previously mentioned.

If they say, "You permit the removal of impurity without intention."

The answer, by Allāh's guidance, is that every impurity the Messenger of Allāh and ordered to be removed through a specific act or a set number of actions must be removed with intention. It is not valid unless done with the intention of fulfilling the ordered act concerning it. Otherwise, it does not suffice.

However, for every impurity we are merely ordered to avoid, without being assigned a specific action or a set number of actions, its removal—by whatever means it is removed—suffices, and once it is removed, we have avoided it. Also, were it not for the $ijm\bar{a}$ we would not allow such leniency here.

Also, wearing an impure garment is permissible except during prayer. The obligation in prayer is to pray while intending, with one's intention, to wear pure and clean clothes free from impurity. So if one prays in a garment that meets this description, with the intention of doing so, they have fulfilled their obligation as ordered, including the required intention.

Washing the garment itself is not an absolute obligation that cannot be done in any other way. If the impure part of the garment is cut off, or if the garment is removed entirely, or if another garment is worn in its place, this suffices. The only obligation is that the garment be pure and free from impurity, regardless of how the impurity is removed. Since the method of removal is not prescribed, we do not concern ourselves with it.

⁵⁰ Ṣaḥīḥ Muslim 1154 | Sunan Abī Dāwūd 2455

⁵¹ Sahīh Muslim 1154



There is no difference in falsehood between Mālik allowing the intention for fasting Ramadan from the first night, and that being sufficient according to him without specifying the intention every night [preceding the intention way before the act], and Abū Ḥanīfah allowing initiating the intention for fasting each day of Ramadan before the sun passes its zenith, even if he did not intend it from the night [delaying it way past the act].

There is no difference between making the intention before the time of the action and delaying it after the time of the action. In both cases, the ordered action is performed without the intention being concurrent with it. It is not permissible to perform any action except with an intention that precedes it, connected with it, and with it, the action is ordered without delay.

The beginning of the action cannot be devoid of intention. If this would be possible in fasting, so that the intention is connected to the rising of fair, nothing else would suffice except to connect the intention. But since that is not always possible, it suffices to do so to the extent of one's ability, and this is specifically for fasting as it causes otherwise difficulties. This is the meaning of the narration narrated from Hafsa that the Prophet said, "There is no fasting for the one who does not intend it from the night."52

By Allāh's guidance, every action must have an intention. Every deed a person undertakes falls into one of two categories: either a movement or refraining from a movement. The only thing that distinguishes obedience from these two categories, sin from them, and idle actions (*laghw*) from them, is intention alone. Without intention, every act is merely categorized under either the genus of movement or the genus of refraining from movement. So by necessity, no action can be complete, and no movement or refraining from movement can be directed toward the prescribed obedience, free from sin and idle actions, except with an intention. This is an undeniable truth, one that cannot be dismissed except by an ignorant person who has no understanding of the realities of matters.

So, whoever prays with the intention of riyā' [good deeds done for others to admire it] is a sinner and disobedient. Whoever prays with the intention of performing the ordered obedience is obedient and virtuous.

Whoever bows, prostrates, stands, and sits without the intention of riyā' and also not the intention of obedience, that is laghw and he is neither obedient nor disobedient.

⁵² Sunan Abī Dāwūd 2454

Whoever performs $wud\bar{u}$ with the intention of $riv\bar{a}$ is a sinner and disobedient. Whoever performs ablution with the $wud\bar{u}$ of obedience, as ordered, is obedient and virtuous.

Whoever washes his limbs to cool off without the intention of obedience or rivā' is neither obedient nor disobedient. And if he is not obedient, then he has not performed the ablution that is ordered as obedience to Allāh, Exalted is He. The same applies to fasting, hajj, jihād, and zakāh,

Because fasting is nothing but refraining from eating, drinking, intercourse, vomiting, lying, backbiting, and engaging with those who are not permissible to engage with. If one refrains from all of that with the intention of $riv\bar{a}$, he is a sinner, disobedient to Allāh Almighty, and not truly fasting. If one refrains from all of that with the intention of obedience, as ordered, then he is obedient, virtuous, and fasting. But if one refrains from all of that without the intention of $riv\bar{a}$ or obedience, as ordered, he is neither obedient nor disobedient. And if he is neither, then he is not fasting. If he does not refrain from that with the intention of obedience during obligatory fasting at the time when refraining from all that was ordered, then he is disobedient because he has opposed what he was ordered to do.

The same applies to throwing stones at the *jimār*, standing at 'Arafah and Muzdalifah, performing tawāf, and walking between Al-Safā and Al-Marwah, as well as all other actions.

Whoever eats barley intending to give the better food, like wheat, to the poor, seeking righteousness in doing so, is virtuous and praiseworthy. Whoever eats it out of stinginess, hoarding wheat to accumulate wealth, is blameworthy and sinful.

And whoever walks on foot, and carries his belongings in his hand, in humility to Allah and not out of stinginess or meanness, while also avoiding disgraceful behavior and giving charity with all of that intention, is virtuous and praiseworthy. But whoever does that out of stinginess or meanness [danā'ah] is blameworthy. And if he does it with the intention of $riv\bar{a}$ ', he is sinful.

Whoever marries off his daughter to a slave or foreigner, as Dirār Ibn 'Amr did, out of humility and with the intention of equality among Muslims, while modest, neither greedy nor covetous, is virtuous and praiseworthy with ahl ul-'uqūl, disciplining his desires. But whoever does so out of greed or lowliness is blameworthy and dishonorable.

Whoever wears an elevated, non-silk garment with the intention of following the Prophet is rewarded and virtuous. But whoever wears it with the intention of takhannuth, vanity, or riyā' is sinful and blameworthy.

And likewise for all actions, from beginning to end. So it is clear that no action is valid except with intention, as we have mentioned, and by Allāh's guidance.

If someone says, "You claim that if a person inwardly frees his slave or slave girl and intends their emancipation with a correct intention but does not verbally express it, they are not free and he is not an emancipator before Allāh or in ruling, the slave and slave girl remain slaves owned by him as they are.

And you say that if a person divorces his wife inwardly, intending divorce, but does not utter any of the words of divorce, then he did not divorce, neither in the eyes of Allāh nor in judgments, and his wife remains permissible for him as she was before.

And you say that even if he utters words that are not divorce-related but intends divorce with them, then divorce does not take place, and his wife remains permissible for him, both in the ruling and in the *fatwā*.

And you say that if someone gives charity or gifts something from his wealth with the intention of charity or gifting, but does not utter any of the words of charity or gifting, he did not a gift nor gave charity, and nothing is obligatory upon him [of giving the property], neither in the fatwā nor in ruling, even if he acknowledges and admits that he intended it.

Then you say that if someone, while fasting, inwardly intends to break his fast, consciously intending to abandon fasting, but does not eat, drink, or engage in intercourse, or do anything that invalidates the fast, then his fast is invalidated, and he is considered to have broken it.

And you say that if someone, while praying, intends to abandon the prayer and stop praying, but does not outwardly abandon the posture of the prayer, then his prayer is invalidated, if he intentionally does that while remembering that he is in prayer.

And you say that if someone, while giving the zakāh on his wealth, intends that it is not part of his obligatory zakāh, then he is not fulfilling his obligation of $zak\bar{a}h$, and he must give it again.

And you say that if someone, while slaughtering an animal, intends to be frivolous and does not intend the prescribed slaughter, then the animal is *maitah* and is not permissible to eat it.

And you say that if someone, while performing his 'umrah or ḥajj, intends to abandon them while continuing the acts of ḥajj or 'umrah, then his hajj and 'umrah are invalidated.

And you say that if someone, while performing $wud\bar{u}$ or ghusl, intends that part of his action is not for the purpose of performing the obligatory $wud\bar{u}$ or ghusl, then that $wud\bar{u}$ and ghusl are incomplete, and he must repeat the part of the action that was done without the intention.

And you say that if someone completes all of these actions with the correct intention, and after completing them intends to invalidate them, then none of these actions are invalidated by that, and they remain valid and accepted. So, what is the difference between what you validate and what you invalidate in these matters? Are they not all the same? And what is the difference between the intention being unnecessary in some of these cases, separating it from the action, and it being necessary to be connected to the action?"

The answer, with the help of Allāh Almighty, is that all the actions that are ordered require an accompanying intention, just as we have previously mentioned, for the reason we stated at the beginning of this chapter: the obligation of directing one's intention to Allāh Almighty and sincerely dedicating the action to Him. So, whenever a person intends to nullify that intention, the action becomes invalid, as they have not performed it as it is ordered, which is to accompany it with the proper intention. Therefore, what we mentioned of ablution, *ghusl*, fasting, and *ḥajj* becomes invalid, because the person is either fasting or not fasting, praying or not praying, in a state of ablution or not in a state of ablution. Likewise with *zakāh*, *ḥajj*, and other such acts. If he is not fasting, praying or performing *wuḍū* as it is ordered then he is not fasting, performing *wuḍū* or praying. And in this manner it is for all other acts.

Likewise if someone divorces, frees a slave, or gives charity without intention, none of that is binding upon them in the sight of Allāh Almighty, even though we may rule in favor of its execution because we do not know their intention. If we knew that it was without intention, we would not judge any of that as binding. If they were to make their statement explicit and say,

"My slave is free without my intention to free him," or say that about divorce, marriage, charity, or a gift, we would not execute any of those matters upon them at all.

Everything we have mentioned, as well as what we have not mentioned of all other acts, requires both intention and action, for neither intention alone suffices without action, nor does action alone suffice without intention. Both must be combined because both have been ordered by Allāh Almighty. In prayer, there must be specific actions performed with intention, and the same applies to ablution, *hajj*, and fasting. In fasting, one must abstain from everything they are ordered to abstain from, along with the proper intention.

The same applies to the emancipation of slaves, divorce, marriage, gifts, and charity; they all require both speech and intention, for none of these matters can be known except through the expressive words for them. If in any of the aforementioned cases there is action without intention, it is invalid, and if there is intention without action, it is also invalid.

So, whoever intends to pray, perform ablution, go on pilgrimage, or fast but did not do the acts of praying, perform ablution, pilgrimage, or fast, then they gain nothing. Let no one think that our statement differs regarding any of what we have mentioned, for it is all one matter. That is, there must be both action and intention; neither is valid without the other.

Whoever opposes us in this contradicts themselves, for sometimes they agree with us in certain cases, such as prayer, and other times they disagree without any certain decisive evidence, merely following desire and taglīd, which is not permissible.

If they say: "But you state that if someone eats, speaks, or performs an action forgetfully while fasting, or kills game while in the state of iḥrām without intending to do so, there is no blame upon them for such actions. Yet, you also claim that if someone passes wind, excretes, urinates, emits preejaculatory fluid (madhī), post-ejaculatory fluid (wadī), or semen (manī), or falls asleep unintentionally, their state of purification is invalidated. And also, you say that if someone slaughters an animal, hunts, or sacrifices without remembering to mention the name of Allāh—whether intentionally or forgetfully—it is impermissible to consume anything from that."

The response, with the help of Allah Almighty, is that the foundational principle (asl) upon which fatāwā are issued is that there is no

- 57 💥 57

blame upon individuals, as Allāh Almighty says: "And there is no blame upon you for that in which you have erred but [only for] what your hearts intended. And ever is Allāh Forgiving and Merciful" [33:5].

Nothing is excluded from this principle except by a specific text (nass) or $ijm\bar{a}$. Based on that verse, and the narration from the Prophet # in which he said: "Indeed, Allāh has forgiven my Ummah for mistakes, forgetfulness, and what they are forced into."

This *hadīth* explicitly differentiates between actions performed forgetfully without intent and those committed unintentionally. For this reason, as well as other evidences, fasting is not invalidated by eating forgetfully, nor is prayer invalidated by unintentional actions performed out of forgetfulness.

This ruling applies to all cases of forgetfulness except if there is takhṣīṣ by a separate naṣṣ or ijmā' that forgetfulness does not affect in specific cases. Such as the established and certain, decisive ijmā 'regarding invalidators of purification (hadath), such as those previously mentioned, that purification is nullified regardless of whether the act was performed forgetfully or deliberately.

This is necessarily known because people have always invalidated their purification every day since the time of the Messenger of Allāh # . It has consistently been the practice to oblige ablution ($wud\bar{u}$) in such cases, demonstrating a transmitted ijmā 'traced back to the Messenger of Allāh # . The same applies to sleep, as sleep occurs only when one is overpowered by it, not by intention. Even if a person were to intend to sleep their entire life, they could not do so unless they were overtaken by sleep.

As for other nullifications of $wud\bar{u}$ where $ijm\bar{a}$ does not exist, we hold that such acts do not invalidate purification unless performed deliberately or intentionally—such as touching women or touching one's private parts.

As for slaughtering ($dhak\bar{a}$ 'ah), the nass explicitly prohibits eating what does not have the name of Allāh mentioned over it. Allāh Almighty says, "And do not eat of that upon which the name of Allah has not been mentioned, for indeed it is disobedience" [6:121].

Allāh Almighty also says ask you, "So eat of what they catch for you, and mention the name of Allāh upon it" [5:4].



Since what is slaughtered by someone who forgets to mention the name of Allāh falls under what is explicitly prohibited by this naṣṣ, it is, without doubt, among what we are forbidden to consume. However, as for the sin, it is completely waived for the forgetful person.

Some people have attempted to permit the consumption of what is slaughtered without the name of Allāh mentioned, arguing based on the verse: "For indeed, it is fisq (disobedience)" [6:121]. They claim that "disobedience" applies only to actions done deliberately and not to those committed out of forgetfulness.

This is a weak argument. We do not say that Allāh has called the act of forgetting to mention His name as 'fisq' (disobedience). Instead, what we say is the *nass* of the verse, that the slaughtered or hunted animal, upon which Allāh's name has not been mentioned—whether intentionally or forgetfully—is itself named fisq, just as Allāh referred to khamr and gambling as filth (rijs) from the work of Satan.

So, their argument is invalidated. Whoever forgets to mention the name of Allāh while slaughtering has not slaughtered (dhakā 'ah). And what is unslaughtered is prohibited to eat.

Similarly, if someone forgets to perform the act of slaughter itself, their only recourse is to free a slave (during *iḥrām*).

Also whoever forgets the intention at the beginning of his prayer, the beginning of his fast, and the giving of his zakāh. All of these are neither praying nor fasting nor giving $zak\bar{a}h$, except that $zak\bar{a}h$ is not tied to a limited time with a beginning and an ending time; so he must make it up forever. The nass has come about the obligation of making up the prayer for the forgetful. As for fasting, it is linked to a limited time, it has a beginning time and an ending time, so there is no way to transfer it except by another text.

Likewise, the slaughtering is merely an act regarding something specific that cannot be retrieved after its death. So when the name of Allāh was not mentioned upon it, whether by forgetfulness or intentionally, it is maitah and not permissible to eat.

And tasmiyah [the mentioning of Allāh's name] in the language does not occur except for what we have mentioned, by the tongue, not on what is settled in the heart without mention by the tongue.

And it is truly astonishing that someone obligates a person who breaks their fast forgetfully to make it up and does not excuse them, even



though a *nass* has explicitly stated that such a person has completed their fast. Yet, they permit eating from what was slaughtered or otherwise prepared without the name of Allah being mentioned due to forgetfulness, excusing them here, even though the text has issued a general prohibition against it. This, as you can see, is contradictory. And with Allah, the Exalted, lies success.

Likewise, whoever begins the act that he was ordered with, an intention directed act it, as ordered, then forgets the intention during that act and the act is connected and uninterrupted, this does not invalidate his act due to forgetfulness, according to the text we have mentioned.

So everything we have mentioned invalidates what those assume, that our saying, the breaking of the fast because of the intention of breaking the fast on purpose without eating during the fast occurs and that it contradicts our saying that emancipation of slaves and divorce with intention but not uttering both do not occur; rather, it is all one category.

That is, the abstaining from what invalidates the fast but without the intention aimed at performing the fast is invalid and null. Likewise, the intention of fasting without abstaining from what invalidates the fast intentionally is invalid and null. Similarly, emancipation and divorce without their intention are invalid. Likewise, their intention without expressing them in what cannot occur except by both is invalid and null. It is clear that the doubt only arose for those who encountered this due to differing answers.

The clarification of raising the ambiguity in this matter is that the questioner asks, "What do you say about someone who divorced with the intention without saying anything, and about someone who emancipated with the intention without saying anything? And about someone who broke their fast with the intention but without an action that invalidates the fast, and about someone who intended to nullify the prayer he is in with intention but without an action contrary to the prayer, or intended to cool off during his ablution and did not commit an act that nullifies the ablution, and did all of this intentionally while being mindful of what he is in."

The answer, and with Allāh is success, is that we say to them: All those you mentioned have no emancipation, no divorce, no fast, no ablution, and no prayer. And in this manner is $\bar{t}m\bar{a}n$, a statement and an intention; whoever lacks the intention and utters the $\bar{i}m\bar{a}n$ has no $\bar{i}m\bar{a}n$, and whoever lacks the sayings and intends the *īmān* has no *īmān*. And if he has no *īmān*, he is a *kāfir*, for there is only a Muslim or a *kāfir*.

As for the one who completed the act he was ordered with as he was ordered, with action and intention, then intended after its completion to nullify it, that act is not invalidated because it was completed and performed as Allāh, the Exalted, ordered, and its time has elapsed; so, it is not nullified by a newly initiated intention.

Likewise, the corrupt act is not rectified by an intention that is not together with it, whether it is early or delayed.

And we have established the certain decisive evidences that whatever is valid in one time is not invalidated in another except by a text or $ijm\bar{a}$, and whatever is invalidated in one time is not valid in another except by a text or ijmā'.

And this saying regarding one who divorced with intention and emancipated with intention without words is that ownership and marriage are valid initially, so they cannot be invalidated later except by text, and there is no text or $ijm\bar{a}$ invalidating them by intention without the established words that are placed to nullify them.

So what we have mentioned invalidates the saying of one who wishes to confirm the permissibility of acting with a prior intention that is not connected to it, for if it would be possible for there to be any moment between the intention and the action, it would be permissible for there to be a hundred years between them with no difference.

The Mālikīs have said that on the first night of Ramadān, the intention suffices for the fasting of all remaining days. This is false, for if that would be possible, one intention at the beginning of Ramadan would suffice for a person to fast without renewing the intention for every single Ramadan that will come in the future, which they do not say.

And if they say, "That cannot be because there is a separation between Ramadan and Ramadan by months without fasting."

It is said to them: Likewise, there is a separation between every two days of Ramadan by a night without fasting, and each day has its own ruling. A person might get sick or travel and then break the fast, but this does not invalidate the fasting that has already passed. And from their own saying is that the breaking of the fast on a day of Ramadan, whether through obedience or disobedience, does not invalidate the fast of what has already passed—this

61

is then a clear contradiction to their own statement. If they claim *ijmā* on this matter, they are contradicted by Sa d Ibn Al-Musayyib, the chief ['amīd] of the people of Madīnah, as he says, "Whoever breaks their fast intentionally on a day of Ramaḍān must make up the entire month," because, according to him, the entire month is like one day, just as a prayer is like one act of worship. If one deliberately invalidates a single *rak'ah* of a prayer, the entire prayer is invalidated.

It is then clear from all that we have mentioned that this is all of the same type, and there is no disagreement among any of it. We do not say this because we are ruling some of what we mentioned with the same ruling as the rest because of $qiy\bar{a}s$ —Exalted is Allāh! But we have shown the people of $qiy\bar{a}s$ their contradiction in this, where they accept and validate $qiy\bar{a}s$ and judge by it, even though it is a corrupt $qiy\bar{a}s$.

As for us, our reliance in all that we mentioned is upon what we have already clarified, that any action without intention, or any intention without action, is all invalid, based on the words of Allāh the Exalted, "And they were not ordered except to worship [do 'ibādah] Allāh, being sincere [having ikhlāṣ] to Him in religion" [98:5].

So, He ordered us with two things, as you see: worship ['ibādah], which is action ['amal], and sincerity [ikhlāṣ], which is intention [niyyah]. Neither suffices without the other.

And by the saying of the Prophet "Actions are only by intentions, and each person will have only what they intended."

Some of them asked me, "What do you say about someone who breaks his fast while forgetting that he was fasting?"

I said: His fast is complete.

He then asked, "What do you say about someone who forgets a rak'ah in his prayer?"

 $^{^{53}}$ Al-Muṣannaf by Ibn Abī Shaybah 9780, 9781, 2/347 | Al-Muṣannaf by 'Abd ar-Razzāq $\,7469,\,4/197\,$

I said: He must pray it as long as his $wud\bar{u}$ has not been invalidated. Or, if his $wud\bar{u}$ has been invalidated, he must repeat the entire prayer.

He then said to me, "Why did you differentiate between the two matters? Why did you not allow the prayer to be valid despite forgetting a part of it, just as you allowed the fast to be valid despite forgetting part of it by breaking it during part of the day?"

The answer, with Allah the Exalted's guidance, is that we are not among the people of qiyās such that this question would apply to us. Rather, we only follow the explicit *nass* regarding someone who breaks their fast due to forgetfulness, that they must complete their fast. And we follow the explicit nass regarding someone who forgets part of their prayer or all of it, that they must pray it, because we are ordered by the *nass* to perform the prayer. And part of the prayer is still prayer. So, the one who forgot to pray is told, by the text, "Perform the prayer that you forgot when you remember it." And nothing more.

But, as an act of goodwill, we show him the fallacy of what he is trying to imply us to follow by way of the qiyās they call for, even though they are the people who abandon it the most when it doesn't suit them.

So, we say, with Allāh's guidance: The one who abandoned a rak'ah out of forgetfulness does not resemble the one who broke their fast by forgetting. Only the one who broke their fast by forgetting resembles the one who spoke during their prayer by forgetting. And the one who forgot a rak'ah resembles the one who forgot they were fasting and then intended to break their fast for the rest of the day. However, the text differentiates between their rulings. The Prophet says, "Whoever forgets a prayer or sleeps through it, let him pray it when he remembers it,"54 but he did not order this regarding forgetfulness in fasting. Fasting has a limited time fixed by Allāh the Exalted, and there is no way to transfer it to another time, except where a specific text permits its transfer. And whoever transgresses this has overstepped the limits set by Allāh the Exalted. Allāh the Almighty says, "And whoever transgresses the limits of Allāh has certainly wronged himself. You know not; perhaps Allāh will bring about after that a [different] matter" [65:1]. We seek refuge in Allāh from zulm, and zulm is prohibited.

As for the one who intends to break their fast after an hour and does not intend to break it at that time, then with that he does not break the fast. If

⁵⁴ Sahīh Muslim 684



that hour passes and no intention occurs to break it that does not invalidate the fast at all and the fast is complete. And likewise whoever intends to commit adultery but does not do it, or intends to consume khamr but does not consume it, or intends to give charity but does not give charity, nothing is written for or against them as long as they did not actually do any of those things. This is all of one category: there is no action except with an intention that accompanies the act at its initiation.

The mistake occurs in two ways: one is when a person performs an action unintentionally, such as a man aiming at a target but hitting a person he did not intend to hit, or like a person moving and unintentionally attracting a fly that enters his throat while he is fasting, or intending to scratch his thigh and inadvertently touching his private part. This is one scenario, is what ahl ul-kalām calls 'emergent action [tawallud]' because it emerged from his action without him intending it.

The second case involves actions in which a person deliberately performs an act without intending it to be an act of obedience or disobedience, nor intending the consequences that resulted from the act. The person neither aimed at fulfilling an order nor violating one. Examples of this include: A person slaps someone, and it coincidentally causes the death of the one slapped. A fasting person intentionally eats, but he does not remember his fast and is not intending to break it. Someone forgets they are in prayer and starts eating, speaking, or walking without the intention to invalidate their prayer. A person forgets they are in a state of purity and touches their private parts without the intention of invalidating their ablution. Someone drinks from a vessel in the presence of upright witnesses who inform them it contains non-intoxicating nabīdh. After swallowing, they realize it was khamr and then remove it from their mouth after having already swallowed some. A person deliberately has intercourse with someone found in their bed, thinking it is their spouse, only to realize afterward it was an ajnabiyyah that entered upon him. Someone reads a verse, intending the words, thinking they are from the Qur'an, but it turns out not to be part of the Qur'an. A person kills an animal intentionally without remembering that they are in a state of ihrām [sacred pilgrimage state], though they are indeed in such a state. This is the second type of case. In both cases [this and the first], the act does not invalidate the person's deed/act, nor does it affect their $\bar{t}m\bar{a}n$, nor does it incur sin or a hukm, except in cases where there is a specific nass indicating that it

does incur a consequence. Such cases are exceptions to this general ruling, like the ruling that obligates blood money [diyah] to be paid by the 'āqilah. Because in both situations, no disobedience was intended. Likewise, if someone performs an act without intending obedience to Allāh, there is no reward for it, and they have not fulfilled what was order.

On the other hand, if someone intentionally aims at the consequences of their deliberate act or a part of it, as in the case of: A fasting person deliberately eating, aware that they are fasting during an obligatory fast. A person striking someone with an object capable of causing death, intending to hit them and knowing that the object could be fatal. A person deliberately altering the Qur'an, knowing it does not match what is in the actual Qur'an. A person drinking khamr while knowing it is khamr. A person having intercourse with a non-marital partner, knowing that she is not his wife or his legal concubine. In all these cases, the ruling if sin applies on him and what the text has come with. We only say that the one who kills an animal intentionally without remembering they are in *ihrām* incurs no penalty because of the verse, "But whoever repeats it, Allāh will take retribution from him" [5:95]. Retribution only applies to the disobedient, and no one is ruled disobedient for killing game unless they do so deliberately while also remembering they are in *ihrām* knowing it is prohibited in that state. There is no dispute about this; the person is only sinful in that situation.

Similarly, if someone intends obedience with their actions, they fulfill what they have been ordered to do. The soul is the doer, and its actions are based on the knowledge of what it does and its purpose in it, which moves the body. So it must fully complete what it has been ordered to do.

As mentioned, if someone encounters a person in the rows of the disbelievers, thinking him to be one of the mushrikīn, and kills him deliberately without knowing he is a Muslim, and it turns out he was a Muslim, there is no disagreement that the killer incurs no *qisās* or sin.

Similarly, no sin or retaliation is due for a *muta'awwil ḥākim* even if deliberate, because the $h\bar{a}kim$ did not intend to go against an order that they knew to be disobedience.

Likewise, if someone eats swine, thinking it to be mutton, or breaks an oath without remembering their oath, none of these actions carry any sin, *hadd*, or ta'zīr unless there is a specific text indicating otherwise. Such as the one who prays, thinking they are in a state of $wud\bar{u}$, but later remembers that

- 65

they were not, they must repeat the prayer, as the Prophet said, "There is no prayer without purification."55

And he has not prayed as he is ordered to. As for someone who prays while having something on them that they were ordered to avoid, the one whom the ruling reaches, or if they prayed in the wrong direction of the Qiblah but were unaware of the obligation to avoid that or unaware of the Qiblah direction, then their prayer is valid because they are not responsible for what they are unaware of. However, if they were aware of these obligations, they must repeat the prayer within its time because they know, and the prayer time is still valid. They are obliged to pray as ordered. But after the time has passed, they are not obliged to pray again, except for cases where the individual was sleeping, forgetful, or intoxicated, as these are specified by the *nass*. And such as blood money and the freeing of a slave as expiation in cases of accidental killing are exceptions established by texts differing from other cases where the person did not intend the act.

And know that our opponents contradict themselves in everything we mentioned and they do not return to any asl, as they sometimes impose a consequence and sometimes do not, without any certain evidence from Allāh in all of that.

And that which also indicates what we have said is what is narrated by Abū Mūsā al-Ash arī narrated, "A Bedouin man came to the Prophet # and said, 'O Messenger of Allah, a man fights for the spoils, a man fights for reputation, and a man fights to be seen in his position. So who is in the way of Allāh?' The Messenger of Allāh #, said to him, 'Whoever fights so that the word of Allāh is supreme, then he is in the way of Allāh."56

Al-A'mash also narrated this narration and mentioned in it the one who fights out of bravery, zeal, anger, and ostentation. And the Prophet did not consider anyone to be in the way of Allah except the one who fights for the word of Allāh the Exalted to be supreme.

So if an action done without intention would be sufficient, then *ighārah*—which is the best of deeds after *īmān*—would suffice. But there is no way for an action to be sufficient without intention.

From this category as well is the one who is coerced into kufr. If he worships with his tongue but does not worship with his heart, he has not left

⁵⁵ Sahīh Muslim 224

⁵⁶ Sahīh al-Bukhārī 123 | Sahīh Muslim 1904

īmān. Allāh, Exalted is He, said, "Whoever disbelieves in Allāh after his faith—except for the one who is forced while his heart is assured with faith but whoever opens his heart to disbelief, upon them is the wrath of Allāh" [An-Nahl: 106].

So Allāh only considered the action of the heart.

And the Prophet declarified this when he was asked about one who ate forgetfully. And the Prophet said that his fast was not invalidated by that. There is no doubt that this fasting person intentionally ate, but he forgot his fast. So what we say is established, and success is only by Allāh, Exalted is He.

Allāh, Exalted is He, also said, "You are not held responsible except for yourself" [An-Nisā': 83]

Some people used this as evidence to invalidate performing *hajj* on behalf of someone else, or praying on behalf of someone else, or fasting on behalf of someone else. But they made a grave mistake in this.

There is no contradiction between this verse and the order of the Prophet # perform hajj on behalf of an elderly person, or for the walī to fast on behalf of the deceased, or to fulfill a vow on behalf of the deceased. In all of these cases, the living person performing the action is tasked for it himself. It is a duty that Allāh has imposed on him and obliged him, just like the five daily prayers and his fasting in Ramadan.

In those the *walī* is tasked specifically. And he is also rewarded for fulfilling it because he performed an obligation placed upon him. And Allāh, Exalted is He, grants additional reward and favor to the deceased or the one for whom hajj was performed. The treasures of Allah never run out, and His bounty is never exhausted.

So the assumption of the ignorant who does not understand and thought there was a contradiction between the verse we recited and the narrations we described is invalid.

They contradict themselves by permitting a person to repay a debt on behalf of someone else, and they say that such a person earns reward for it, and reducing the debt for the deceased on whose behalf it was repaid. This is exactly what we say regarding other matters we are ordered to perform, such as fasting, hajj, and prayer vowed on behalf of someone else. There is no difference.

They also obliged that the tribe of a person must pay the blood money for an accidental killing, thereby contradicting their own words. If they say $ijm\bar{a}$ obligates this, they have lied as 'Uthmān Al-Battī does not agree with

Our opponents also used as evidence the verse, "And that there is nothing for a person except what he strives for" [An-Najm: 39].

this—meaning that the tribe must pay the blood money for accidental killing.

We have explained previously that everything the Prophet said is to be added to what his Lord, Exalted is He, said. So it is established that Allāh may bestow favor on a person by accepting the supplication of their child after their death, and that is not from their own striving. Charity given on their behalf also reaches them with rewards, even though it is not from their striving, just as everything else the Prophet explicitly stated reaches them.

Allāh, Exalted is He, said, "And those who disbelieve say to those who believe, 'Follow our way, and we will carry your sins.' But they will not carry anything of their sins. Indeed, they are liars. But they will surely carry their [own] burdens and [other] burdens along with their burdens" [Al-'Ankabūt: 12-13].

And the Prophet said, "Whoever introduces a good practice in *Islām* will have the reward of those who follow it until the Day of Judgment, without that diminishing their rewards in the least. And whoever introduces a bad practice will bear a burden equal to the sins of those who follow it until the Day of Judgment, without that diminishing their burdens in the least." ⁵⁷

All of this is agreed upon, with no contradiction at all. Because the meaning of the verse of Allāh, Exalted is He, "But they will not bear any of their sins" [Al-ʿAnkabūt: 12]

Is that their *taqlīd* of them does not remove any sin from them. Rather, the sinner bears his own sin, and the one who led him bears the same sin as well. This is clear, and success is only from Allāh, Exalted is He.

Similarly, the order of the Messenger of Allāh \cong that a deceased in a state of $ihr\bar{a}m$ must not be embalmed, must not be perfumed, and must not have his face or head covered, but must be shrouded in his clothing. He will be resurrected on the Day of Judgment reciting the talbiyah.

And what the Prophet ordered regarding the martyr—that he must not be washed or shrouded, but buried in his clothes. The Prophet informed

⁵⁷ Sahīh Muslim 1017

that the martyr will be resurrected on the Day of Judgment with his wound flowing with blood—the color is the color of blood, but the smell is the smell of musk.

Both actions are obligations that we have been ordered with, and whoever performs them has obeyed Allah, Exalted is He, and whoever neglects them has disobeyed Allah, Mighty and Majestic. So the people of ignorance and those who take Allah's order lightly claim that the deeds of the deceased come to an end.

It is said to them: Who told you that that the deceased is ordered with this act? Rather this action is something we are ordered to do for the deceased, just as we are ordered to wash our other deceased, to embalm them with lote tree leaves and camphor, and to pray over them. This is all the same, and there is no difference.

And the talbiyah of the one in ihrām on the Day of Judgment is an additional honor for him at that time, just as the wound of the martyr flowing with blood is an honor for him. There is no difference.

So, the deception of the ignorant is invalidated, and all praise is due to Allāh.

Allāh said, "[And We said]: 'If you do good, you do good for your ownselves, and if you do evil [you do it] against yourselves." [17:7].

Allāh said, "A Day when no father will avail his son, nor will a son avail his father at all" [31:33].

And He said, "And fear a Day [of Judgement] when a person shall not avail another" [2:48].

And He said, "And if a heavily laden soul calls [another] to [carry some of its load, nothing of it will be carried, even if he should be a close relative" [35:18].

And He said, "And whoever earns [i.e., commits] a sin only earns it against himself" [4:111].

And He said, "And every soul earns not [blame] except against itself, and no bearer of burdens will bear the burden of another" [6:164].

All of this does not contradict what we mentioned at all. The meaning is that no one bears the sin of another, nor his burden, unless he is the one who introduced that evil action. In that case, he bears a portion of the sins of those who commit it forever, because all verses are added to each other.

And Allāh, Exalted is He, said, "Whoever intercedes in a good intercession will have a share of it, and whoever intercedes in an evil intercession will have a portion of it. And Allāh is ever Disposer of all things" [4:85].

And the Prophet ** told us that every person killed unjustly, a portion of the sin is upon the first son of Ādam because he was the first to introduce killing⁵⁸.

The meaning of the earlier verses is that Allāh does not assign the sin of one person to someone who is free of it. However, whoever establishes evil and initiates it, they will have a share in every subsequent action that aligns with what they started. Likewise, whoever establishes good, their reward continues endlessly.

No action of someone is attributed to another person [doing on behalf of the other] unless a clear text indicates it. In such cases, the action becomes an obligation on the person responsible for carrying it out, who will be rewarded for doing it and punished for neglecting it, just like everything else that is ordered. There is no difference, and success is only from Allāh, and Allāh is sufficient for us, and He is the best disposer of affairs.

⁵⁸ Sahīh al-Bukhārī 3335, 6867, 7321 | Sahīh Muslim 1688



The Thirty-Two Chapter: The Rulings Of The Prophets Before Muhammad # — Are They Binding Upon Us Except Those Specifically Prohibited, Or Are All Their Rulings Prohibited Except Those Mentioned In Our Rulings?

We have previously explained the methods by which Allah Almighty has ordered us, and there is no ruling in religion except through those established means. Now, by the will of Allah Almighty, we will clarify the methods through which some people have erred in matters of religion. They have issued rulings based on these methods and considered them as evidence and proofs, while they are not. The correct saying is that it is impermissible to issue rulings in religion based on any of these methods. These methods are seven: The rulings of the previous prophets before our Prophet #, Ihtivāt (precaution), Istihsān (any preference), Taglīd, Ra'ī, Dalīl al-Khiṭāb, Qiyās which includes 'ilal (rationale). By the will of Allāh Almighty, we will speak about each of these methods, chapter by chapter, and clarify their invalidity and why it is prohibited to use them in the religion. We seek help from Allāh Almighty.

As for the rulings of the prophets who came before our Prophet ** people have two views on the matter. Some say that we are obliged to follow them unless we are prohibited from following them in the current rulings, while others say that all the rulings from the Prophets of before are abrogated and we are not allowed to act upon any of them unless we are addressed in our own rulings with something that goes in accordance with their rulings In such a case, we act upon it out of obedience to our Prophet , not out of following the previous rulings. And this is our position

Some people have added, "Except the *sharī'ah* of Ibrāhīm "."

As for the sharī ah of Ibrāhīm it is none other than the very same sharī'ah we are following now, and there are certain decisive evidences for it, which we will mention, by the will of Allāh.

The disagreement about the rulings of the prophets of before we mentioned is only about the rulings of what is explicitly stated from the rulings of the prophets mentioned in the Qur'an or the authentic narrations from the Prophet * . As for their rulings that are neither in the Qur'an nor authentically narrated from the Prophet #, we do not know of anyone who openly permits acting upon such matters, except that some people have issued fatwās regarding it in certain madhāhib.

Such as the prohibition made by some Mālikīs of eating parts of Jewish-slaughtered animals where the lung is found attached to the side of the rib. They declared such slaughter prohibited if the Jews themselves considered it prohibited⁵⁹.

This prohibition has no foundation in the Qur'an or Sunnah, nor is it established that such a prohibition was imposed on the Jews. And also, this issue is not even unanimously agreed upon by the Jews themselves. It is a ruling exclusive to the Rabbinic Jews, whereas the Karaites, Isawites, and Samaritans all agree on its permissibility. These individuals—may Allāh guide us and them-sought to avoid consuming anything from Jewishslaughtered animals over which the Jewish elders (may Allah curse them) had disputes. They feared contradicting the views of Hillel and Shammai, the leading scholars of the Rabbinic Jews. Sufficient for us is Allah, and He is the best disposer of affairs.

Among the strange and abhorrent claims made by some of them (The Mālikiyyah) in this matter—so detestable and shameful that people of sound intellect should seek refuge with Allah from anything similar to it—is what Ismā'īl ibn Ishāq al-Mālikī al-Qādī said about the stoning of the two adulterous Jews by the Prophet * . He claimed that the Prophet * carried out the *hadd* of stoning only by implementing what is in the Torah⁶⁰. Then he saw his corrupt ra'ī to refrain from implementing the Torah's ruling of stoning Jewish adulterers who were married if they commit adultery. So he distanced himself from something he attributes to the Prophet . We seek refuge in Allah, the Exalted, from such a corrupt statement and belief. If the

⁵⁹ Al-Jāmiʿ Li Masāʿil Al-Mudawwanah 5/814

⁶⁰ Sharh Al-Mukhtasar Al-Kabīr 3/512 by Al-Abharī Al-Mālikī



ignorant would apostate for kufr, then the one who made such a statement would be the most deserving of disbelief, due to the gravity of what it entails.

He also used as evidence to claim that the *imām* must not say 'āmīn' after saying "Walad-Dāllīn," by citing that when Mūsā # supplicated, he did not say 'āmīn' and Hārūn said it, yet Allāh, the Exalted, called them both supplicants, as He, the Exalted, said, "Your supplication has been answered" [10:89].

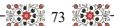
We say: In this argument, there is in extreme weakness, absurdity, and shamelessness in promoting the ugly that it is as if he is openly declaring the absurd. For it is said to him, before anything else: Who told you that Mūsā supplicated without saying 'āmīn' and that Hārūn said 'āmīn' without supplicating? This is something only some of the *mufassirīn* claimed without any chain of narration going back to the Prophet ##, and such matters are not taken except from the Prophet # or from a transmission that is passed down from generation to generation. So whoever misses out on these two sources has missed out on the truth, and nothing remains in their hand except to openly lie, follow what they have no knowledge of, or narrate such claims from the accursed Iblīs, who undoubtedly witnessed all those events, except that he is not a thiqah.

Then it is said to him, even if what you claimed were true—that Mūsā supplicated without saying 'amīn' and that Hārūn said 'amīn' without supplicating—what does that have to do with invalidating the statement of the Prophet # "When the imām says 'āmīn' then say 'āmīn',"61 and the Prophet would while he was the imām say 'āmīn' after completing the recitation of *Umm ul-Qur 'ān* in prayer? And also, it is possible that Mūsā did say 'āmīn' when he supplicated, and it is possible that Hārūn supplicated when Moses did, and both said 'āmīn' or one of them did, or neither of them did. The explicit text of the Qur'an affirms that they both supplicated, as Allāh, the Exalted, says, "Your supplication has been answered" [10:89].

There is no indication in the Qur'an of an 'amīn' being said by either of them or both of them. Has there ever been said anything weaker than this, or more absurd, or less clever, or deception than someone using this argument to nullify established Sunnah practices?

Then it is said to him: From the wonders of the world, is that you make the [supposed] actions of Moses and Aaron—which have not been

⁶¹ Sunan Al-Nasā'ī 928



authentically confirmed—abrogating the authentic statement of Muhammad , regarding saying 'āmīn.' This is reversing the truth.

We used to be astonished by a statement of one shaykh among their shuyūkh, whom we saw in high regard and whose opinion was sought in matters of judgments by all of their jurists. This scholar, in a book he authored which we have seen, handled with our own hands, and it was written entirely in his handwriting, and he acknowledged to us that he authored it, stated, "We have transmitted with sound chains to the Torah that the heavens and the earth wept for 'Umar Ibn 'Abd al-'Azīz for forty years." These are his exact words.

There is nothing more astonishing than what the shaykh mentioned about narrating to the Torah something concerning 'Umar ibn 'Abd al-'Azīz, and this Ismā'īl Ibn Ishāq A-Mālikī invalidating the Prophet *s's statement, "When the imām says 'āmīn' then say āmīn," and invalidating the ta'mīn of our Prophet # by that which is not authentic that Mūsā and Hārūn abandoned saying 'āmīn.'

They also use as evidence to allow killing Muslims and spill prohibited blood by the claim of the sick person that so-and-so killed him. While the Prophet said, "If people were given according to their claims, men would claim the blood and wealth of others."62

They allowed this based on the sick persons claim, using as evidence what some of the *mufassirīn* mentioned about the murdered man from the Children of Isrā'īl, who, after being struck with part of the cow, came back to life and said, "So-and-so killed me."63

This is not mentioned in the text of the Qur'an. Rather, the Qur'an only mentions the killing of the soul, the argument about that, the slaughtering of the cow, and the striking with part of it. And then Allah said, "Thus does Allāh bring the dead to life" [2:73].

So whoever adds to what we have mentioned in the *tafsīr* of this verse has lied and claimed knowledge they do not possess. How can they permit spilling forbidden blood based on such a lie and give someone the right to claim without evidence, when Allah, the Exalted, has forbidden this? Could there be any one more astonishing than one who uses the fables [khurāfāt] of the Children of Isrā'īl—which have neither come any naṣṣ nor been

⁶² Al-Sunan Al-Kubrā 21244, 21/243

⁶³ Tafsīr Al-Tha'labī 1/139 | Tafsīr Al-Tabarī 1/402-404

transmitted by the masses, nor been authentically narrated from the Messenger of Allāh —to permit such serious matters?

This, even though that myth contains no mention of *qasāmah* [an oath taken to seek retribution for a murder] at all, and also not that two or more are not obliged are to take an oath in the *qasāmah* [and that instead only one suffices]. So, where did these additions come from? Allāh is sufficient for us, and He is the best disposer of affairs.

Then he came to the verse of Allah Almighty, "And We ordained for them therein: A life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution" [Al-Mā'idah: 45].

And then he says, "We do not act according to this, nor do we kill a believer for a disbeliever, nor a free man for a slave, because this is from the rulings of those who came before us." And forgot what he did of taking that myth attributed to the children of Isrā'īl and abandoned the actions of the Prophet for that but then here abandons nass from Allah that He had ordained it for them a life for a life.

The highest that has been narrated regarding the story of the cow of the Children of Isra il is as follows: It is narrated from Ibn Abbas that he said, "The people of a town from the Children of Isrā'īl found an old man killed at the edge of their town. Another town's people approached them and accused them of killing him, while a young man, the old man's nephew, stood crying. So they went to Moses # and Allāh revealed to him 'And [remember] when Moses said to his people, 'Indeed, Allāh orders you to slaughter a cow.' [2:67] They said, 'Do you take us in ridicule?' He said, 'I seek refuge in Allāh from being among the ignorant.' Then they brought the cow to the grave of the old man, with his nephew standing at the grave. They slaughtered the cow and struck the grave with a piece of its flesh, and the old man stood up, shaking his head, and said, 'My nephew killed me; he grew impatient with my long life and wanted to seize my wealth,' and then he died again."64

'Ikrimah said, "The Children of Isrā'īl had a mosque with twelve gates. They found a murdered person at one of the gates, and they dragged the body to another gate, accusing the people there of the murder. So they brought the matter to Moses, and he said, 'Indeed, Allah orders you to slaughter a cow.' They said, 'Do you take us in ridicule?' He said, 'I seek

⁶⁴ Tafsīr Al-Tabarī 1182, 1/389

refuge in Allāh from being among the ignorant.' They slaughtered the cow and struck the murdered person with a part of it, and he stood up [the dead one came back to life] and said, 'So-and-so killed me.' It was a man of great wealth, and his nephew had killed him."

And it is narrated that Qatādah said, "There was a murder among the Children of Isrā'īl, and Allāh revealed to Moses that they should slaughter a cow and strike the murdered person with a part of it. They struck him with part of its thigh, and Allah revived him, and he spoke and informed them of his murderer, and then died again. He mentioned to us that the victim's guardian, who had been seeking vengeance, was actually the one who had killed him, due to an inheritance dispute between them, and thus the murderer was not allowed to inherit after him."65 And similar versions of this 66.

These are all mursalāt and mawqūf. Even if they were part of what was revealed to us, there would not be a hujjah in it. Then could it be valid for us when it was revealed to others? The Qur'an does not have any nass about what is mentioned in these narrations, other than that they disputed over a murdered person among them, and Allāh ordered them to slaughter a cow and strike the dead person with a part of it: "So We said, 'Strike him with part of it.' Thus does Allāh bring the dead to life" [Al-Baqarah: 73]. But Allāh Almighty did not say in the Qur'an that the dead man spoke or said, "So-andso killed me." Nor that he was truthful in that, nor that *qisās* was taken for it. Whoever adds anything to what is in the Qur'an without a text from the Messenger # has committed a grave mistake. Even if all of this were true, it would not be a *hujjah* at all, because that would have been a miracle and the revival of a dead person. And whoever returns from the Hereafter, there is no doubt that he would speak nothing but the truth. But as for the living among us, they are not immune to lying, and they may claim falsehood.

They are not believed even in the case of a dirham they claim against someone, nor in the case of a *dirham* they admit to owing to an heir. Yet, they believe and take it in matters of blood that could lead to killing their opponent or taking his wealth in blood money.

Now, by the will of Allāh, we shall mention all that is in the Qur'ān regarding the rulings of the prophets, before us. We will clarify what has been agreed upon to abandon and what has been disagreed over regarding taking

⁶⁵ Tafsīr Al-Thaʿlabī 1/133

⁶⁶ Tafsīr Al-Tabarī 1174, 1178, 1176, 1183, 1/379-382

from it. Then, by the will of Allah, we will mention the arguments of those who take from it and those who reject it, and in Allah, the Exalted, lies success.

Among the rulings of Sulaymān is the saying of Allāh, the Exalted, "He inspected the birds, and said: 'Why do I not see the hoopoe - or is he among the absent? I will surely punish him with a severe punishment or slaughter him unless he brings me clear evidence" [27:21].

There is no disagreement among us regarding the annulment of punishing birds, even if they cause damage to us.

And the saying of Allah, "And [remember] Dawud and Sulayman, when they gave judgement in the case of the field in which the sheep of certain people had pastured at night; and We were witness to their judgement. And We gave understanding of it [i.e., the case] to Sulaymān" [21:79].

This is among the matters that the people have differed in. Some people have claimed that Sulayman tasked the owners of sheep to compensate for what they ruined of the crops or the vineyards at night. This is false because it is not stated in the verse, nor is it authentically narrated from the Prophet $\stackrel{\text{def}}{=}$. It was only mentioned in some $taf\bar{a}s\bar{\imath}r$ which are not authentic.

These are similar to what has been mentioned in those $taf\bar{a}s\bar{\imath}r$: that two angels committed adultery, killed a soul that Allah had forbidden, and drank wine⁶⁷. It is a false and weak narration, and Allāh has exalted the angels above such things.

It was also said in tafāsīr that Venus was a woman who committed adultery and was transformed into a bright star, guiding people on land and sea.

These corrupt narrations led some of ahl ul-ilḥād to say, "If this were true, no chaste woman would remain without committing adultery to be transformed into a star."

And among such narrations, it is mentioned that Yūsuf sat with the wife of Al-'Azīz as a man would sit with his own wife, but Allāh has exalted His prophets from such behavior. And there are many such examples.

The Messenger of Allāh informed us that the injury caused by a stray animal is not liable for compensation⁶⁸, and the narration about Al-

⁶⁷ Musnad Ahmad 2/134 | Sunan Al-Bayhaqī 10/4-5

⁶⁸ Sahīh al-Bukhārī 1499

Barā's camel has no authentic chain at all; rather, it is disconnected in all its chains.

Among the rulings of Zakariyyā , is Allāh's saying, "Your sign is that you must not speak to the people for three nights" [19:10] and this is invalidated by what has been narrated from the Prophet about his saying, "There is no silence for the whole day till the night."

So in general, we are not ordered to observe silence, and whoever remains silent from non-obligatory speech and recommended remembrance has done good.

And the saying of Allāh, "You were not with them, when they cast lots with their pens as to which of them should be charged with the care of Maryam" [Āl 'Imrān: 44].

Some people used this as evidence for judgment by drawing lots, then applied it as a rule in matters like determining parentage of children, in cases of doubtful divorces, and in other such matters. And none of this is binding at all, instead it is false for two reasons: the first is that this is *qiyās*, and *qiyās* is false. The second is that it is not ordered in our *sharī'ah*.

And among the rulings of Mūsā # Allāh's saying, "So take off your shoes; you are in the sacred valley, Ṭuwā" [20:12].

And we do not take off our shoes in the sacred land.

And the saying of Allāh, "And to those who are Jews We prohibited every animal of uncloven hoof; and of the cattle and the sheep We prohibited to them their fat, except what adheres to their backs or the entrails or what is joined with bone" [6:146].

There is no difference in this that it is *mansūkh* and that Allāh allowed all of that on the tongue of his Prophet # , "And your food is permissible for them" [Al-Mā'idah: 5].

And these fats are from our food, so they are permissible for them, even if their noses are rubbed in the dirt, and the noses of those who avoid them by following the claims of the Jews regarding the prohibition of that [meaning even if it is against their will and they are humiliated].

And among them is His, the Exalted's, saying, "And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution" [Al-Mā'idah: 45].

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⁶⁹ Sunan Abī Dāwūd 2873



As for us, we do not follow this, because we are not ordered with it, only others before us were ordered with it. We only oblige $qis\bar{q}s$ in all such matters and in what is lesser than that, between Muslims among themselves, and we equate in all of this between the free and the slave, the male and the female, by Allāh's general saying to us, "So whoever has assaulted you, then assault him in the same way that he has assaulted you" [Al-Bagarah: 194].

And by His, the Exalted's, address to us, "And if you punish, punish with an equivalent of that with which you were harmed" [An-Nahl: 126].

And by His, the Exalted's, saying, "And the retribution for an evil act is an evil one like it" [Ash-Shūrā: 40].

And the Messenger of Allāh said, "The blood of believers is equal." So we oblige $qis\bar{a}s$ for all of this, whether it be for the free person against the free person, the slave against the free woman or the slave woman, or for the free person against the free woman, and likewise for the slave. We do not distinguish. We also oblige retribution for each of those mentioned in cases involving a disbeliever with another disbeliever, but we do not oblige qisās against a believer in the case of a disbeliever at all, due to Allāh's saying, "And never will Allah grant to the disbelievers a way over the believers" [An-Nisā: 141].

And by the saying of the Prophet # , "A believer is not killed for a disbeliever."

Among this is, the Exalted's, saying, "Transgress not [by doing worldly works] on the Sabbath [Saturday]" [An-Nisā: 154].

And this is abrogated by $ijm\bar{a}$.

And among this is His saying, "And kill yourselves, that will be better for you with your Creator" [Al-Baqarah: 54].

This is abrogated by $ijm\bar{a}$. And also the order to slaughter a yellow cow, bright in color, is not obligatory upon us in any of the rulings by $ijm\bar{a}$.

And from the rulings of Lūt # , "The people of Lūt denied the warning. Indeed, We sent upon them a storm of stones" [Al-Qamar: 34].

It is not permissible in our *sharī* 'ah to stone someone who denies the warning. Some people have used this verse as evidence to stone someone who commits the act of Lūt. They forgot that the one who committed that act from the people of Lot was a disbeliever, and that is explicitly mentioned in the Qur'an in the very same verse, as Allah informed us that they denied the

⁷⁰ Sunan Abī Dāwūd 2751

warnings, and that their children and women were stoned with them even though they had not committed that act. They also forgot Allāh's saying, "And they had demanded from him his guests [sodomy], but We obliterated their eyes" [Al-Qamar: 37]. So it implies them, if they follow their false principle, to oblige them handing over their eyes of every person who demands sodomy of another man, for Allāh blinded the eyes of the people of Lūt when they solicited His guests, just as He stoned them when they approached men and disbelieved. Whoever differentiates between any of this has ruled falsely in the religion of Allāh without evidence or guidance from Allāh.

And from the rulings of Yūsuf # Allāh said, "[Yūsuf] said, 'It was she who sought to seduce me.' And a witness from her family testified, 'If his shirt is torn from the front, then she has told the truth, and he is of the liars. But if his shirt is torn from the back, then she has lied, and he is of the truthful" [Yūsuf: 26-27].

There is no disagreement that we cannot judge by this now among people in cases of accusation of fornication.

And Allah said, "They said: 'We have lost the [golden] bowl of the king and for him who produces it is [the reward of] a camel load" [Yūsuf: 721.

Some people used this as evidence for establishing the ruling of *ju'l*, but this is not necessary because the saying of the Messenger of Allāh, # "Your wealth is prohibited for each other" invalidates the establishment of ju'l except if a specific text obliges it in our shar $\bar{\iota}$ 'ah, or the person willingly gives it, or if the person does it in a manner of *ijārah*.

And also the saying of Allāh, "He said, "[I seek] the refuge of Allāh [to prevent] that we take except him with whom we found our possession" [Yūsuf: 79].

There is no disagreement between us and our opponents that we do not rule by this among us, and that a thief is not enslaved because of his theft. They are implied to follow this ruling because there it is no $ijm\bar{a}$ on abandoning it. We have narrated from Zurārah Ibn Awfa, the judge, that he sold a free man for a debt⁷¹. We also narrated from Al-Shāfi 'ī through a rare chain that this used to be in the early days of Islām, then it was abrogated by Allāh's saying, "Postponement until a time of ease" [Al-Baqarah: 280].

⁷¹ Sunan ad-Dāragutnī 2846, 3/405

And among the rulings of Ayyūb Allāh said, "[We said], 'And take in your hand a bunch [of grass] and strike with it and do not break your oath" [Sād: 44].

Some people have used this verse as evidence to permit whipping the adulterer, slanderer, and drunkard if they are ill, by striking them with a bundle containing one hundred, eighty, or forty twigs. They also use it to justify fulfilling the oath of someone who vowed to whip (jald) his servant with a specific number of lashes by using a bundle of twigs.

Those who cite the story of the murdered man in the case of the cow of the Children of Isrā'īl, where the deceased was reported to have said, "Soand-so killed me," reject the idea that an oath could be fulfilled here by striking (darb) with a bundle. This inconsistency is a glaring contradiction and a blatant flaw in their reasoning. They distinguish between using the terms *jald* (whipping) and *darb* (striking) in the fulfilment of an oath.

While we do permit whipping a sick person with a bundle of twigs, our ruling is not derived from this verse. Rather, it is based on the narration of the Prophet , in which he ordered that a sick adulterer be whipped with a bundle containing one hundred twigs⁷².

And we hold that the fulfillment of an oath is achieved by any action that meets the definition of whipping (*jald*) or striking (*darb*).

And from the ruling of Mūsā and his father-in-law #, Allāh said, "He said, 'Indeed, I wish to wed you one of these, my two daughters, on [the condition] that you serve me for eight years; but if you complete ten, it will be [as a favor] from you. And I do not wish to put you in difficulty. You will find me, if Allāh wills, from among the righteous.' [Moses] said, 'That is [established] between me and you. Whichever of the two terms I complete there is no injustice to me, and Allāh, over what we say, is Witness." [Al-Qaşaş: 27-28].

Some people have used this to permit marriage based on a condition of working (ijārah) with an unspecified deadline to one of two terms, where neither is precisely determined. This, according to us and our opponents, is not permissible because an unknown term contract is false, as it is consuming wealth by false means, and the marriage based on something false is likewise invalid. For anything that cannot be valid except through the validity of something invalid is without any doubt invalid, especially since that ijārah

⁷² Sunan Abī Dāwūd 4472.

pertains to the guardian of the bride, with no benefit to the bride herself, while the dowry in our religion is solely for the bride, as clearly stated by Allāh's words, "And give to the women [whom you marry] their Mahr" [An-Nisā': 4].

One of the wonders of the world is what Ibn Al-Qasim Al-Maliki [direct companion of Mālik] said, "Mālik used as evidence for the permissibility of a man marrying off his virgin daughter without her consent by citing the words of Allāh about the father-in-law of Mūsā: 'Indeed, I wish to wed you one of these, my two daughters, on [the condition] that you serve me for eight years; but if you complete ten, it will be [as a favor] from you." [Al-Qaşaş: 27].

What wonder is greater than his using this verse for something that is not found in the verse at all? It is possible she agreed, while it is not mentioned. Then he himself opposes the verse in four aspects: the first being marrying off one of his two daughters without specifying which one, the second being marrying off with the condition of ijārah (reward/wage for a job done), the third being ijārah with one of two unspecified terms, whichever is fulfilled the marriage remains valid, and the fourth being the marriage of a woman in exchange for the service of her father. And after all of this, who can say that she was a virgin? Perhaps she was previously married. Is there not in this way of arguing a lesson for those who reflect? And perhaps she was an older virgin, unmarried, and he does not allow marrying off such a woman without her consent and approval. Then how can this verse be used as evidence when we have already clarified that the rulings of the previous prophets are not binding on us?

There is no disagreement in our *sharī* 'ah that it is not permissible to kill children for fear that he may lead his parents into rebellion and disbelief.

And from the rulings of Al-Khadir #, Allāh said, "And Nūḥ said, 'My Lord, do not leave upon the earth from among the disbelievers an inhabitant. Indeed, if You leave them, they will mislead Your servants and not beget except [every] wicked one and [confirmed] disbeliever." [Nūh: 271.

So the azāriqah took this and permitted the killing of children, but they overlooked that the words of Nūḥ * were only about the disbelievers of his time, whom Allah destroyed, leaving no progeny from them, as stated by Allāh, "And, his progeny, them We made the survivors" [Aṣ-Ṣāffāt: 77].



And by the words of Allah, "O offspring of those whom We carried [in the ship] with Nūḥ! Verily, he was a grateful servant" [Al-Isrā': 3].

Nūḥ did not carry with him except the believers from his people and his offspring. They missed, due to their ignorance, that the Messenger of Allāh, the master of the children of Ādam, was the son of disbelievers, and so was 'Umar. And he said, "Are not the best of you the children of the polytheists?"

We do not kill ahl ul-kitāb, but rather we take jizyah from them, marry their women, deal with them in transactions, and eat their slaughtered animals. We do not permit the deliberate killing of any child from the children of the people of war, but rather we guide them and they do not misguide us and all praise is for Allāh.

And all of Banū isrā'īl transmitted that Mūsā # killed the infants of the people of Midian, and Joshua [Yusha'] killed the infants of the people of Jericho [Ariha] by the order of Allāh Almighty. And this is not permissible in our sharī 'ah.

And from the sharī'ah of Yūnus, is the saying of Allāh Almighty, "When he ran to the laden ship: Then he [agreed to] cast lots, and he was among the losers" [Aṣ-Ṣāffāt: 140-141].

Some people used this as evidence for judgment by casting lots, and the clarification on that has preceded. There is no disagreement among any of us that it is not permissible for anyone to be thrown into the sea by casting lots.

And from the rulings of prophetess Maryam, "Verily! I have vowed a fast unto the Most Gracious [Allāh] so I shall not speak to any human being this day" [Maryam: 26].

And this is not a condition of fasting in our *sharī* 'ah.

And from the rulings of Allāh Almighty on Banū Isrā'īl is the saying of Allāh Almighty, "And indeed you knew those amongst you who transgressed in the matter of the Sabbath [i.e. Saturday]. We said to them, 'Be you monkeys, despised and rejected" [Al-Bagarah: 65].

And we transgress greatly but are not transformed, and praise be to Allāh.

And from the rulings of the people of the time of Zakariyyā sis the saying of the mother of Maryam, "O my Lord! I have vowed to You what [the child that] is in my womb to be dedicated for Your services [free from all worldly work; to serve Your Place of worship]" [Āl 'Imrān: 35].

This is absolutely impermissible for us.

As for the rulings of Ya'qūb # , Allāh said, "All food was permissible to the Children of Isrā'īl, except what Isrā'īl made prohibited for himself before the Tawrāh was revealed" [Āl 'Imrān: 93].

This is not permissible for us, and no one has the right to prohibit upon himself what Allah Almighty has not prohibited, except that groups of our scholars differed regarding forbidding a wife or a female slave. Some supported it, while others opposed it. We say it is not permissible, and no one has the right to forbid a wife or anything else, nor does it make her prohibited, nor is there any divorce or expiation in this, and she remains permissible for him as she was, as is the case with all his possessions.

And from the rulings of Banū Isrā'īl, Allāh said, "And enter the gate bowing humbly and say, 'Relieve [us of our burdens]" [Al-Baqarah: 58].

This does not apply to us.

As for the rulings of Ādam is the saying of Allāh, "And recite to them the story of Ādam's two sons, in truth, when they both made an offering [to Allāh], and it was accepted from one of them but was not accepted from the other. Said [the latter], 'I will surely kill you.' Said [the former], 'Indeed, Allāh only accepts from the righteous [who fear Him]. If you should raise your hand toward me to kill me - I shall not raise my hand toward you to kill you. Indeed, I fear Allah, Lord of the worlds. Indeed, I want you to obtain [thereby] my sin and your sin so you will be among the companions of the Fire" [Al-Mā'idah: 27-29].

There is no disagreement that it is not permissible for us to judge by offerings, and it is not permissible for us to surrender to wrongful killing; rather, the one killed defending himself is a martyr.

And as for the rulings of the People of the Book at the time of the Companions of the Cave, Allāh said, "Said those who prevailed in the matter, 'We will surely take [for ourselves] over them a masjid'" [Al-Kahf: 21].

This is prohibited in our *sharī* 'ah. The Prophet said, "Verily those people, when a righteous man died among them, would build a mosque over his grave; they are the worst of creatures."⁷³

⁷³ Sahīh al-Bukhārī 427, 434, 1341, 3873

So these are the rulings, whoever claims to follow the rulings of the prophets of before, is implied to adhere to them. Otherwise, they have contradicted their own principle.

And those who obligate following the rulings of the prophets of before argued using the saying of Allāh Almighty, "And let the People of the Gospel judge by what Allah has revealed therein. And whoever does not judge by what Allāh has revealed, they are the sinners" [Al-Mā'idah: 47].

This is not a *hujjah* for them. There is no disagreement between two Muslims that this is been abrogated, and that whoever judges by the rulings of the Gospel for which no nass Has come in the waḥī of the sharī ah then he is a *kāfir mushrik*, outside of Islām.

They also argued with the saying of Allāh Almighty, "Indeed, We sent down the Torah, in which was guidance and light. The prophets who submitted [to Allāh] judged by it for the Jews, as did the rabbis and scholars by that with which they were entrusted of the Scripture of Allah, and they were witnesses thereto" [Al-Mā'idah: 44].

Allāh only meant with this the prophets to Banū Isrā'īl, not to Muḥammad , because Allāh Almighty says, "And whoever desires other than Islām as religion - never will it be accepted from him, and he, in the Hereafter, will be among the losers" [Āl 'Imrān: 85].

And to clarify this, is the saying of Allāh Almighty, "Indeed, We sent down the Torah, in which was guidance and light. The prophets who submitted [to Allāh] judged by it for the Jews" [Al-Mā'idah: 44].

And we do not have many prophets, but rather one prophet, and all the prophets were Muslims. Allāh Almighty narrated about the past prophets that they said we were ordered to be among the Muslims.

And also, Allāh Almighty said, quoting the People of the Book, that they said to us, "They say, 'Be Jews or Christians [so] you will be guided.' Say, 'Rather, [we follow] the religion of Ibrāhīm, inclining toward truth'" [Al-Baqarah: 135].

So it is clear that Allāh Almighty prohibited the religion of the Jews and Christians and ordered us to follow the religion of Ibrāhīm 3.

And Allah Almighty said, "O People of the Scripture, why do you argue about Ibrāhīm while the Torah and the Gospel were not revealed until after him?" [Āl 'Imrān: 65].

So it is certain that Ibrāhīms sharī 'ah was before the Torah, and that his Sharī'ah is obligatory for us. From that what is impossible and rejected is that we would be ordered to follow something revealed after our *sharī* 'ah, this is a contradiction so the ta wīl of the one who assumes the mistake about the verse, "The prophets who submitted [to Allāh] judged by it for the Jews" [Al-Mā'idah: 44], is evident and it is then established that they are the prophets of Banū Isrā'īl only.

If they say, "There is no difference between the Torah and the sharī ah of Ibrāhīm nor between our sharī ah," and they argue with the saying of the Prophet # , "The prophets are brothers from different mothers; their mothers are different, but their religion is one."⁷⁴

We say to them: This is a *hujjah* against you, not for you. If you make ta wīl of this that all the rulings concur, the Qur ān declared it false as Allāh said, "To each among you, We have prescribed a law and a clear way" [Al-Mā'idah: 48].

And the saying of Allāh Almighty about Jesus declares them false, "And so that I can make permissible for you some of what was forbidden to you" [Āl 'Imrān: 50].

And they are declared false by the ruling of the Sabbath, the prohibition of eating all animals with claws, and what Isrā'īl forbade upon himself. And everything they are implied from what we previously mentioned.

However, the meaning of the Prophet's saying, "Their religion is one" refers only to tawhīd (monotheism), which they did not differ on at all.

They also argued with the saying of Allāh Almighty, "Those are the ones whom Allāh has guided, so follow their guidance" [Al-An'ām: 90].

This is not a *hujjah* for them, because what we have been ordered to follow from them is only what our sharī ah and their sharī ah agree upon, such as in the saying of the Almighty, "And [recall] when We took the covenant from the Children of Isrā'īl, [enjoining upon them], 'Do not worship except Allāh" [2:83].

But as for the rest of the verse in His saying, "And to parents, good treatment" [17:23], we do not take this ruling from this verse here but from Allāh's order to us in another verse as it is here for them not us.

⁷⁴ Sahīh al-Bukhārī 3443 | Sahīh Muslim 2365

And similarly, His saying, Exalted is He, "He has ordained for you of religion what He enjoined upon Nūh and that which We have revealed to you, [O Muhammad], and what We enjoined upon Abraham and Moses and Jesus - to establish the religion and not be divided therein [42:13].

So, the Almighty explicitly stated that all of them were ordered not to be divided in religion, and this is the same as the saying of the Prophet # that the religion of the prophets is one.

And Allāh, Exalted is He, made it explicit that He ordered some of them to abandon work on the Sabbath, yet He did not order us with that, and He made *khamr halāl* for a time and then *harām* after a while.

It is then certain that what they were prohibited to divide upon and what was ordained for all of them is the one religion, tawhīd [monotheism] only, and that what differed among them were the rulings, obligations, prohibitions and the permissible. And this is exactly our saying.

And Allāh, Exalted is He, said, "If Allāh had willed, He would have united them upon guidance" [6:35].

And He said, "Had Allāh willed, He would have made you one nation [united in religion], but [He intended] to test you in what He has given you" [5:48].

He, Exalted is He, said, "For each is a direction toward which it faces" [2:148].

So, it is clear from the text that He, Exalted is He, differentiated between the rulings and the paths of each one of them, and between the directions each one of them faces.

And He, Exalted is He, said, "Allah wants to make clear to you and guide you to the ways of those before you" [4:26].

So it is clear that Allāh's words do not contradict each other, and it is clear that what we have been ordered to follow from their ways is not the rulings in which He distinguished us from them. So, it is established that it is tawhīd [monotheism] in which they are all equal in adhering to it. So it is clear that this is the guidance that the Prophet was ordered to follow them in.

This is also made clear by His statement, Exalted is He, relating from His Messenger Yūsuf [Joseph] who said, "Indeed, I have left the religion of a people who do not believe in Allah, and they, in the Hereafter, are

disbelievers. And I have followed the religion of my fathers, Abraham, Isaac and Jacob. And it was not for us to associate anything with Allāh [12:37-38].

It is made clear by the nass that they agreed upon tawhīd monotheism specifically, and otherwise, Allah, Exalted is He, has made it clear that Isrā'īl who is Ya'qūb # prohibited upon himself certain things that were permissible for him, and this was not part of the Sharī 'ah of Ibrāhīm . So, it is certain that it was permissible for Isrā'īl to prohibit some foods upon himself. As for the Sharī 'ah of Ibrāhīm, it is the same as our Sharī 'ah, as we will explain at the end of this chapter, by the will of Allāh. In our Sharī'ah, it is not permitted for anyone to prohibit upon themselves any food that Allāh has made permissible for them. And Ya'qūb married two sisters, which is not permissible in our Sharī 'ah, which is the Sharī 'ah of Ibrāhīm. So when Yūsuf [Joseph] #, equated the religion of Ibrāhīm [Abraham] and Ya'qūb [Jacob], while their rulings are different, we know that this equality is in tawhīd [monotheism] alone and not in anything else.

Some of our opponents objected, saying, "If you say the statement of Allāh, Exalted is He, to mean tawhīd alone and nothing else, then you strip the verse of its benefit because tawhīd is understood through 'aql."

This is one of the weakest arguments presented by a troublemaker.

The one saying this is implied to remove from the Qur'an every repeated verse, like, "So which of the favors of your Lord would you deny?" [Ar-Raḥmān: 25] and many other verses.

And Tawhīd is known by the 'aql by necessity, but not necessitated by that is the obligation to acknowledge it, and also not threatening the denier of it with punishment and hellfire by the 'aql. All of that is only necessitated by the warnings of the messengers. So, the mentioned verse made the belief in tawhīd obligatory and made the acknowledgment of it obligatory, and this was never obligatory by 'aql. This is because the 'aql does not legislate, nor does it inform us about whom Allāh, Exalted is He, will punish in the afterlife or whom He will reward.

The 'aql only distinguishes between the impossible [mumtani'], the necessary [wājib], and the possible [mumkin], and it distinguishes between existing things and between the real, existent, and comprehensible and the false and nonexistent. This is what is in the 'aql, and nothing more.

Some of them said, "We understand [specify] the saying of Allāh, Exalted is He, 'So from their guidance take an example' [6:90] as referring



to taking from them as long as our own sharī ah does not prevent it that it is abrogated and we understand [specify] the verse, 'To each of you We prescribed a law and a method.' [5:48] as referring to what has been abrogated from their rulings."

This is ta wīl devoid of any evidence, and whatever is devoid of evidence is a baseless claim. We have already clarified the certain decisive evidences that what we are ordered to follow from them in is tawhīd alone.

And they argued with the statement of Allāh, Exalted is He, "So judge between them by what Allāh has revealed" [5:48].

Allāh, Exalted is He, has clarified in another verse besides this one by His statement, "And We have sent down to you the Book in truth, confirming what was before it of the Scripture and as a guardian over it. So judge between them by what Allah has revealed, and do not follow their desires away from what has come to you of the truth. To each of you We prescribed a law and a method. Had Allāh willed" [5:48].

And also His statement, "And whoever desires other than Islām as religion - never will it be accepted from him, and in the Hereafter, he will be among the losers." [3:85].

They [the opponents] argued with the statement of the Messenger of Allāh in the matter of Thanīyyat al-Rubayyi or the wound caused [as per the different narrations about this matter], "The judgment of Allāh's Book is retaliation [$qis\bar{a}s$]."⁷⁵

What the Messenger of Allāh # meant is the statement of Allāh, Exalted is He, "So whoever has assaulted you, then assault him in the same way that he has assaulted you" [2:194].

This is what we have been addressed with, and it is binding upon us. There is no text indicating that the Prophet ## meant anything other than this verse at all.

If someone says, "Perhaps the Prophet # , meant by that the statement of Allāh, Exalted is He, 'And We ordained for them therein a life for a life.' [5:45] And how do you know that he meant the verse you recited instead of this one?"

The answer, with Allāh's help and guidance, is that the Prophet did not mean by his statement, "The judgment of Allāh's Book is retaliation," the verse, "And We ordained for them therein a life for a life..." [Al-Mā'idah:

⁷⁵ Sahīh al-Bukhārī 2703, 2806, 4499, 4611

45] Because in the Torah's ruling, there is no acceptance of arsh [financial compensation required for an injury that is less than the taking of a life. It can also be used to refer to the compensation for a life, which is the diyah [blood money]]. Arsh is only allowed in Islām. And in the mentioned narration, they accepted arsh, so it is clear that the Prophet did not mean the verse, "And We ordained for them therein a life for a life..." [Al-Mā'idah: 45].

They also argued with the saying of the Prophet ## when he saw the Jews fasting on the Day of 'Ashūrā', "We are more entitled to Mūsā than they are.",76

There is no *hujjah* in this for them in this, because the Prophet # had already been ordered to fast on that day. If Allah, Exalted is He, had not ordered him to fast, he would not have followed the Jews in that matter. And it is established that it was a day the Quraysh used to fast in the time of ignorance, and the Prophet $\stackrel{\text{def}}{=}$, fasted it as an act of piety⁷⁷.

They also argued by saying, "Since the rulings of the prophets are truth, it is obligatory to follow the truth until something comes to abrogate it."

The response, with the help and guidance of Allah, is that those rulings, even if they were truth for those who were addressed by them, were never prescribed for us. What was an obligation for one group is not an obligation for another unless Allāh orders it. What is only prescribed for us is the acknowledgment of the past prophets and that they were sent with truth to their own people, not to everyone. We are not prescribed to act according to their rulings.

They also argued that the Prophet , invoked the Torah when the Jews were stoning the adulterers, and he asked them, "What do you find in the Torah?" When they informed him of the ruling of stoning, and that they had abandoned it, the Prophet # , said, "I am the first to revive the order of Allāh, Exalted is He."78

And this is not a hujjah for them; rather, it is a false ta wīl by those who make ta wīl of it. For the Prophet without doubt, in his sharī ah revealed on him, ordered the stoning of those who have been married among the fornicators. And he ealled upon the Torah to silence the disputes of the

⁷⁶ Saḥīḥ al-Bukhārī 2004, 3397, 3943, 4680

⁷⁷ Sahīh al-Bukhārī 1592, 1893

⁷⁸ Sunan Abī Dāwūd 4447



Jews and to rebuke them for their neglect of what they were ordered, and to inform them that they have opposed the book that they acknowledge was revealed to them.

And whoever claims (the Mālikiyyah⁷⁹) that the Prophet # , stoned the two Jewish fornicators by following the Torah, and not because it is Allāh's order to him to stone everyone who has been married among the fornicators in the revealed sharī 'ah to him, he has disbelieved, left Islām, for he ascribes to the Prophet disobedience to his Lord in what He ordered him in his revealed sharī'ah as he abandoned it and followed what was revealed in the Torah.

And Allāh has informed us that the Jews distort the words from their places, so it is a grave disbelief for someone who claims to be a Muslim to say that the Prophet # judged by a book he informed us is distorted. By Allāh, it is indeed astonishment, and it grows greater for someone to attribute to the Messenger of Allāh sissuing a ruling based on the Torah in the stoning of two Jewish fornicators while he elevates himself, in a lowly manner, above this, saying, "If two Jewish fornicators were brought to me, I would not impose the punishment on them and would return them to the people of their religion [for the ruling." He elevates himself above what he attributes to his Prophet :

We declare our barā 'ah before Allāh, the Exalted, from supporting every madhab that leads to such calamities and great sins. Sufficient for us is Allāh, and He is the best disposer of affairs.

And they have argued by what has been narrated that he # let down his hair as the people of the Book do, then he parted it after that, and he liked to go in accordance with the people of the Book in that which no revelation had been sent down concerning it⁸⁰.

And this narration is among the strongest *hujaj* against them because it states clearly that the prophet sonly liked to go in accordance with the people of the Book in that which no revelation had been sent down about it. So it is established that he was only doing this regarding what was permissible for him to do and leave it in what he was neither ordered nor prohibited.

 $^{^{79}}$ Shar
ḥ Al-Mukhtaṣar Al-Kabīr3/512 by Al-Abharī Al-Mālikī

⁸⁰ Sahīh al-Bukhārī 3944, 3558, 5917

This is different from what we are on about, which is regarding the difference in the obligation of their rulings except if we are forbidden from them and the invalidation of the obligation of all of their rulings except what we are ordered. As for permissible clothing, hair parting, and letting it down, all of that is permissible to do or leave even now.

This is everything they have with them to use as evidence for their position on this issue and we have invalidated all of it, and all praise is for Allāh, and we by the will of Allāh will now mention the certain decisive evidences affirming our saying which invalidates their saying, and there is no power and no strength except with Allāh.

The Prophet said, "I have been given five things which were not given to anyone else before me. Every Prophet sused to be sent to his nation only but I have been sent to all of humanity."81

And the Prophet said, "I have been distinguished above the other prophets in six ways: I have been sent to all of humanity."82

This narration suffices for all those that deny can tumult with, and he clarified that every Prophet before our Prophet *was only sent for their own nation specifically, and as that is the case it is clear with certainty that other than his nation is not obliged with a sharī 'ah of a prophet other than their prophet. So it is established by this with certainty that none of the Prophets were sent to us except Muhammad . And as that is established, then Allāh has said, "And to Thamūd [We sent] their brother Ṣāliḥ." [Hūd: 61].

And Allāh said, "And to 'Ād [We sent] their brother Hud." [Al-A'rāf: 65].

And Allāh said, "And to Madyan [We sent] their brother Shu'ayb." [Al-A'rāf: 85].

And Allāh, the Exalted, said regarding our Prophet # , "And We have not sent you except to all mankind" [Saba': 28].

And Allāh, the Exalted, ordered him to say, "O mankind, indeed I am the Messenger of Allāh to you all" [Al-A'rāf: 158].

Addressing all of mankind, Allah, the Exalted, ordered him to call both humans and *jinn* to *īmān*.

And He, the Exalted, said, "That you may warn a people whose forefathers were not warned, so they are unaware" [Al-An ām: 6].

⁸¹ Sahīh al-Bukhārī 335, 438 | Sahīh Muslim 521

⁸² Sahīh Muslim 523



So it is clear that they were not bound by the ruling of any of the prophets. And Allāh, the Exalted, said, "Lest you say, 'There came not to us any bringer of good tidings or a warner." [5:19]

So we know that the rulings which Moses # was sent with were not binding on anyone other than the Children of Isrā'īl, except for tawhīd alone, as we have clarified earlier and as Allāh, the Exalted, made clear when He said, "And they say, 'Be Jews or Christians [so] you will be guided.' Say, 'Rather, [we follow] the religion of Abraham, inclining toward truth, and he was not of the polytheists." [2:135].

And Allāh said, "Say, 'We have believed in Allāh and what has been revealed to us and what has been revealed to Abraham and Ishmael and Isaac and Jacob and the Descendants [of Isrā'īl] and what was given to Moses and Jesus and what was given to the prophets from their Lord. We make no distinction between any of them, and we are Muslims [in submission] to Him. So if they believe in the same as you believe in, then they have been [rightly] guided; but if they turn away, they are only in dissension, and Allāh will be sufficient for you against them. And He is the Hearing, the Knowing" [2:136-137].

So it is evident from this verse as well that what is equal among all of them, as Allāh mentioned from the prophets, is what is binding upon us, and that is none other than tawhīd alone. There is no ikhtilāf among any of the Muslims that their rulings were different, so by that, all their rulings are removed/omitted from us except that which they were equal in, which is tawhīd alone.

Whoever obligates us to follow the rulings of the prophets before us has invalidated the virtue of the Prophet # and belied him when he informed that no prophet was sent except to his specific people alone. This is because our opponents want us to follow the rulings of those before us, which implies that they were sent to us as well, and this is falsehood and lies.

This is further clarified by the saying of Allah, the Exalted, "Nothing is said to you [O Muhammad] except what was already said to the messengers before you. Indeed, your Lord is a possessor of forgiveness and a possessor of painful penalty" [41:43]. This is the description of the action of Allāh, the Exalted, whose rule has always been described as such over His creation in His knowledge.

And Allāh, the Exalted, said, "Or were you witnesses when death approached Jacob, when he said to his sons, 'What will you worship after me?' They said, 'We will worship your God and the God of your fathers, Abraham, Ishmael, and Isaac—one God. And we are Muslims [in submission] to Him.' That was a nation which has passed on. It will have [the consequence of] what it earned, and you will have what you have earned. And you will not be asked about what they used to do" [2:133-134].

This is sufficient in this chapter because Allāh, the Exalted, equated them only in the worship of Allāh, the Exalted, alone and the acknowledgment that He is the sole Ilah. Then He informed us that we will not be asked about what those prophets did. And if we are not asked about their actions, then it is certain for anyone with sound understanding that what we are not asked about is not binding upon us. If it were binding upon us, we would have been asked about it.

Allah said, "That was a nation which has passed on. It will have [the consequence of what it earned, and you will have what you have earned. And you will not be asked about what they used to do" [2:134].

So, all that we mentioned has been established, and these are necessary certain decisive evidences from which there is no escape. Their deeds [actions] are the rulings with which they were sent, and the text has removed the obligation of us seeking them, and since seeking them has been removed from us, then their rulings have also been removed from us. There is no way to adhere to the ruling of something except after knowing it, and there is no way to know it except by seeking [asking for] it [as we will not be asked about them]. And with Allāh is success.

As for the rulings of Ibrāhīm , it is exactly our rulings. And we do not say that Ibrāhīm was sent to all of mankind, rather we say that Allāh sent Muḥammad sto all of mankind with the same rulings that He sent Ibrāhīm with to his people specifically, not to all the people of his time. The rulings of Ibrāhīm became obligatory upon us because Muḥammad # was sent with it to us, not because Ibrāhīm swas sent with it.

Allāh, the Exalted, said, "Then We revealed to you [O Muḥammad] to follow the millah of Ibrāhīm, inclining toward truth, and he was not of the polytheists" [16:123].

And Allāh, the Exalted, said, "Rather, [we follow] the religion of Ibrāhīm, inclining toward truth, and he was not of the polytheists" [2:135].



So, the issue has been clear, and all praise is due to Allāh, the Lord of all the worlds. And Allāh, the Exalted, has abrogated some of the rulings of Ibrāhīm from us, just as He has abrogated some of what was obligatory upon us from the rulings of Muhammad ...

Among these is the abrogation of the order to sacrifice children, as it was abrogated for Ibrāhīm, and it has been abrogated for us as well by His saying, "Do not kill your children" [6:151].

And by His saying, "And when the girl [who was] buried alive is asked, for what sin she was killed." [81:8-9].

And by His saying, "They have certainly lost who have killed their children in foolishness without knowledge" [6:140].

And the seeking of forgiveness for the polytheists has been abrogated by His saying, "And the request of forgiveness of Ibrāhīm for his father was only because of a promise he had made to him" [9:114].

And by His saying, "It is not for the Prophet # and those who have believed to ask forgiveness for the polytheists" [9:113].

The Prophet # had promised his uncle Abū Ṭālib to seek forgiveness for him⁸³ just as Ibrāhīm # had promised his father to seek forgiveness, until Allāh, the Exalted, prohibited them both from doing so.

As for the statement of Ibrāhīm statement of ibrāhī "This is my Lord" [6:77], it was merely to expose and rebuke them, not to present it as an istidlal for this belief. We seek refuge in Allah that Ibrahim would acknowledge 'ubūdiyyah to anyone other than Allāh, the Exalted.

A person like Ibrāhīm, chosen by Allāh for prophethood and close friendship, does not use the size of the sun as evidence of its 'ubūdivvah, especially when he saw that the heavens were greater than it.

It is clear that this was a reprimand for their corrupt istidlal in worshiping the stars.

This is similar to the saying of Allāh, "Taste! Indeed, you are the mighty, the noble!" [44:49], meaning, in your own eyes in this world and among your deluded people, but in reality, you are humiliated in this situation.

And some people with excessive scrupulousness and extremism said, "What was the rulings of the Prophet # before he was made a prophet?"

⁸³ Sahīh al-Bukhārī 1360, 3884, 4675

The answer, with the success from Allah, is that the answer lies within your very question, which is your saying "Before he was made a prophet." If he was not yet a prophet, then he was not obligated with any rulings that he had not yet been ordered with. And it is pure delirium to claim that one is ordered with something they have not been ordered with.

So, it is clear that he was not obligated with any rulings except for the tawhīd that was obligatory upon his people from the time of Ibrāhīm # for his descendants, until 'Amr Ibn Luhay changed it. Aside from this, Allāh preserved him from fornication, exposing his private parts, lying, injustice, and other sins as he did not do any of them, which preceded in the knowledge of Allāh that he would prohibit it later for him and for mankind.

Some people have said, "Nūh was sent to all mankind on the earth." The answer: This is false, because it contradicts the saying of the Prophet ## that every prophet, except him, was sent only to his own people specifically.

So, it is clear that Nūh swas also sent specifically to his people, and there is no difference. Allah, the Exalted, drowned those who were drowned from other than his people, just as He drowned children and all other creatures at that time, who are without any doubt not ordered at all anything. And our Lord, the Exalted, does whatever He wills; there is nothing that can adjust His decisions.

It had been said to the Prophet, "Will we be destroyed even though there are righteous people among us?" The Prophet # replied, "Yes, if corruption becomes widespread."84

And the Prophet mentioned an army that would be swallowed up by the earth. It was said to him, "O Messenger of Allāh, among them are those who are compelled [unwillingly]." The Prophet # informed them that although the punishment encompasses everyone in this world, each person will be resurrected based on their intention on the Day of Judgment⁸⁵.

So the destruction caused by Allah through the flood does not indicate that Nūh was sent to all of them. Instead there is nass of the Qur'ān explicitly affirming that Nūh was not sent to anyone except his own people, as Allāh says, "Indeed, We sent Nūḥ to his people" [71:1].

⁸⁴ Sahīh al-Bukhārī 3346, 3598, 7059, 7135 | Sahīh Muslim 2880

⁸⁵ Sahīh al-Bukhārī 2118 | Sahīh Muslim 2884

So whoever claims that Nūh's people were all mankind on the earth has lied and spoken without knowledge. This is prohibited by Allāh's saying: "Do not follow that which you have no knowledge of" [17:26].

And also there is no *naṣṣ*, not in the Qurʿān and also not in authentic narrations indicating that all mankind were destroyed by the flood. And Allāh knows best, and we have no knowledge except what He has taught us. Speaking falsehoods or without knowledge is something no virtuous person takes lightly. We seek refuge in Allah from being misguided.

If someone were to claim by referencing the narration narrated by Abū Hurairah, "We were with the Prophet # at a banquet, and the shoulder was brought to him, which he liked, so he took a bite of it and said, 'I am the master of all people on the Day of Resurrection.' Then he mentioned the description of the Day of Resurrection and said that people will go to Nūh and say, 'O Nūḥ, you are the first of the messengers to the people of the earth.""86

It is said to him, with Allāh's guidance: This is not a *hujjah* for you, because he did not say, "To all the people of the earth." Only a part of the 'people of the earth' still falls under 'people of the earth.'

We would not have allowed to make takhsīs of this 'umūm had it not been for the certain decisive evidences mentioned earlier.

Some have said, "Ādam was sent to his offspring, who were all mankind of the entire earth at that time without a doubt."

This is an invalid argument because the *ḥadīth* we mentioned earlier negates this claim. The Prophet informed in this narration that Nūh was the first to be sent to the people of the earth. It is also narrated that Shīth (Seth) was a prophet. And as that it is the case then Ādam is not sent to him (as they were around the same time).

If someone asks, "From where do you derive this argument, that Ādam was not sent to the people of the earth, because of the prophethood of Shīth (Seth), when this is neither found in a clear text nor a $ijm\bar{a}$, and you criticize others for such claims?"

With Allāh's guidance, we say this because it has been established to us that no prophet was ever sent to all people except Muḥammad . Whoever claims that Ādam or Nūḥ or anyone else was sent to all the people of their

⁸⁶ Sahīh al-Bukhārī 3340, 3361, 4712 | Sahīh Muslim 194

time is a liar without a doubt, opposing the words of Muhammad # and negating his superiority.

As this is clear, we know that Ādam acan then only be one of two possibilities, for which there is no third: Either there was another prophet with him to whom Ādam was not sent, or his offspring were not obliged by the rulings of their father Ādam. It is possible for a person to be made a prophet while still in their cradle, as Jesus was made a prophet.

So it is possible that Ādam had a child who was made a prophet as soon as they were born, meaning Ādam was not sent to them. And Allāh knows best.

Except that the certainty for which there is not a single doubt is that Ādam was not sent to all the people of his time. The only people at that time were himself, his wife Eve, and his children. And with Allāh is the success.

As for the Prophet's statement in the narration we mentioned earlier, that Nūḥ was the first of the messengers to the people of the earth, there is no doubt that Ādam is the messenger of Allāh. Its meaning, as it appears to us and Allāh knows best—is that Ādam's risālah was only directed to the inhabitants of the heavens, as he conveyed to them from Allah, "Tell Me the names of these if you are truthful" [2:31].

He informed them of their names and greeted them, as mentioned in the Qur'an and authentic narrations. And he was not sent to the people of the earth at all. His children and his wife received revelation of tawhīd, and then a prophet was sent to each group among them.

Then Nūh was sent to his people specifically with rulings, as the Messenger of Allāh informed, and Nūḥ was sent to the people of the earth with a general punishment, which included all living beings without a doubt, not with a ruling they were obliged to follow. This is in agreement with what is established in the Our an about Nuh.

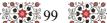
And every messenger sent by Allah was sent with a specific command; this is something that cannot be avoided. Therefore, it must be known: What was he sent with to the people of the earth? We find nothing except the general punishment for everyone on earth, and we find the text indicating that he was sent specifically to his people with his sharī'ah. So, everything is established, and Allāh is praised.

And with this, all the narrations and the Qur'an are in agreement.

We have also narrated another ta wīl of this narration from Qatādah and al-Hakam. Qatādah said said: "Nūḥ was sent with a rulings permitting the permissible and prohibiting the prohibited."87 And Al-Hakam said, "Nūh came with a ruling prohibiting sisters, mothers, and daughters [in marriage]."88 So these two *imāms* made a ta'wīl that Nūh was the first to be sent with rulings regarding the prohibitions and permissions, in any case they make specifications of the general nass about Nūḥ, just as we did, but our takhṣīṣ precedes due to the certain decisive necessary evidences preceded, and Allāh knows best. Glory be to You, O Allāh, and with Your praise. I bear witness that there is nothing worthy of worship in truth but You. I seek Your forgiveness and repent to You.

87 Tafsīr Al-Tabarī 30635, 11/135 | Al-Durr Al-Manthūr 7/340

⁸⁸ Durr Al-Manthūr 7/340 | Ibn Bashrān Al-Amālī 797, 2/456





Chapter Thirty-Three: Precaution [*Ihtivāt*], Cutting Off Means to Sin [Sadd/Qat' Al-Dharā'i'], And Ambiguous Matters [Mushtabah]

Some people have gone to prohibit matters out of caution and fear that one might use them as a means to mere prohibited matters.

They argued for this by what was narrated by the narration of the Prophet, "The *halāl* is clear, and the *harām* is clear, and between them are ambiguous matters [shubuhāt] that many people do not know. Whoever avoids the ambiguous matters has cleared his religion and honor, and whoever falls into the ambiguous matters falls into the *ḥarām*, like a shepherd who grazes near a protected area and is about to enter it. And for every owner, there is a protected area, and the protected area of Allāh is His prohibitions."

And the Prophet said, "The *halāl* is clear, and the *harām* is clear, and between them are ambiguous matters [mushtabah]. Whoever leaves what is ambiguous to him [shubuhāt] in sin is more assured in what is clear, and whoever dares to what he is unsure about in sin is close to falling into what is clear, and sins are the protected area of Allāh; whoever grazes around the protected area is close to entering it."89

And the Prophet said, "Indeed, the *halāl* is clear, and the *harām* is clear, and between that are ambiguous matters [mushtabahāt]. I will give you an example in this regard: Allāh, the Exalted, mentioned the protected area, and indeed, the protected area of Allah is what He has prohibited, and whoever grazes around the protected area is close to entering it, and whoever mingles with suspicion is close to daring [to act]."90

This is an encouragement of the Prophet ## towards piety, and it is clear evidence that what is around the protected area is not part of the protected area, and that these ambiguous matters are not certainly from the

⁸⁹ Şaḥīḥ al-Bukhārī 2051

⁹⁰ Sunan an-Nasā'ī 4453

harām. And if they are not among from the harām, they are from the halāl, Allāh said, "He has explained to you what is forbidden to you" [Al-Anʿām: 119]. So what is not clarified [declared harām in the Qurʿān and Sunnah] then it is halāl by Allāh's saying, "It is He who created for you all that is in the earth" [Al-Baqarah: 29].

And by the saying of the Prophet, "The most grievous people in Islām are those who ask about something that has not been prohibited and then it was declared prohibited because of their question." ⁹¹

And the Prophet state clarified in the narration that this is only recommended for a person in matters that are unclear to him, and that the ruling of one who has understood the matter is different from that.

Likewise, the Messenger of Allāh $\stackrel{\text{def}}{=}$ clarified in the narration with clear clarification, that the danger for one who engages in ambiguous matters is only if dares afterward to the $har\bar{a}m$.

So it is confirmed by this $bay\bar{a}n$ that the meaning of the narration that mentions "falls into the $har\bar{a}m$," is only a different meaning and that is every action that leads its doer to certainty that he has engaged in $har\bar{a}m$ acts, in that state. This is similar to two waters, each of which is doubted about its purity and one of them is impure by certainty without knowing which one, so if he performs $wud\bar{u}$ with both of them, we are certain that if he prays, he prays while carrying impurity, and this is something that is not permissible.

Likewise, the same applies to two garments, one of which is impure with certainty without knowing which, and all the other words we mentioned (about it being recommended) are about matters in which there is no certainty about their prohibition or permissibility.

As for what has certainty about it being $hal\bar{a}l$, then having doubt does not remove that state.

And the wording in the narration, "Is close to," is an addition to what Zakariyyā narrated, and the *ziyādah* of the 'adl must be accepted; then how when this wording and its meaning came from one who is more authoritative than Zakariyyā, and they are Ibn 'Awn and Abū Furwah. So in this manner the narrations and their paths are combined, and the statements of all narrators can be validly used. And may Allāh grant us success.

⁹¹ Şaḥīḥ al-Bukhārī 7289 | Ṣaḥīḥ Muslim 2358



If they cling to the saying of the Prophet ## , "A servant does not reach the level of the righteous until he leaves what is not harmful, out of fear of that which is harmful." 92

The saying about this narration is the same as the previous narrations, being equal in every way, and it is only about encouraging, not obliging.

And we have known that whoever does not avoid what is ambiguous $[mutash\bar{a}bih]$, while it is something with which there is nothing wrong with, is not among the people of piety, the people of piety are the righteous, for the righteous are those who are cautious, whoever fears falling into the $har\bar{a}m$ is truly the cautious one.

By my life, those most deserving of not using this narration as evidence are the ones who consider the statement of Allāh Most High, "And for divorced women, there must be provision according to what is reasonable, a duty on the righteous [$muttaq\bar{\imath}n$]" [Al-Baqarah: 241] as not obligatory. They instead say, "The provision [mut'ah] is not obligatory. Because the ruling is associated with being among the righteous and being among the righteous is not obligatory" And they have by that clearly stated that being among the righteous [$muttaq\bar{\imath}n$] is not obligatory for a person while at the same time the previous narrations are about righteousness, especially since the meaning of this narration is the meaning of encouraging and not obliging.

And in the verse we recited, the word has the meaning of obligation, as Allāh said in the verse, "A duty on the righteous" [Al-Baqarah: 241]. Every Muslim who professes the *tawḥīd* avoids Hellfire is righteous [*muttaq*], except that the term 'righteous' [*muttaqīn*] is only applied to those who have attained the complete degree of fear [of Allāh].

Just as a person who is upright in one of their actions is called upright $[\underline{s}\bar{a}li\hbar]$, and a person who does a virtuous deed is considered virtuous $[f\bar{a}dil]$, but without disagreement, a person is not called upright $[\underline{s}\bar{a}li\hbar]$ or virtuous $[f\bar{a}dil]$ until they reach the level where they are capable of obedience and abstinence [wari'].

And refuge is sought in Allāh that the Messenger of Allāh *would say the mentioned statement except in this sense—if it would be authentic. Because if our opponents understanding of this narration would be correct, it would mean that text of the Prophet *on abandoning that in which there is no harm in would be considered one of the greatest wrongs. Because that

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⁹² Sunan Al-Tirmidhī 2451

which has no harm is permissible. And based on this corrupt assumption, permissible actions would be prohibited, which is false.

No Muslim thinks that the Prophet says that except an ignorant person or a disbeliever because this is attributing to the Prophet allowing something for the people while forbidding it at the same time, this is something impossible, which no one is able to. Allāh Most High says, "Allāh does not burden a soul beyond its capacity" [Al-Baqarah: 286].

And the permissibility of one thing and obliging abandoning it at the same time is not within the capacity of anyone. So Allāh has declared this *zann* false.

So the meaning of the narration, if it would be authentic is only encouraging not obliging. If the ambiguous would be prohibited and obligatory to avoid, then the Prophet * would have prohibited it. But he did not do so. Instead, he encouraged avoiding it and feared that the one who engages in it might fall into the $har\bar{a}m$.

And the Prophet \cong compared this to the one grazing around a sanctuary. The sanctuary is the $har\bar{a}m$, and what surrounds the $har\bar{a}m$ is not part of the sanctuary. Similarly, the ambiguous $[mushtabah\bar{a}t]$ matters are not part of the $har\bar{a}m$, and whatever is not $har\bar{a}m$ is $hal\bar{a}l$.

This is the clearest clarification, and this is the piety for which the one who acts upon it is praised and rewarded, while the one who does not act upon it is not blamed nor sinful as long as they do not engage in the *harām*.

And the narration we mentioned after that narration, it must not be thought that there is any hujjah in it for those who believe in $ihtiy\bar{a}t$ and sadd $al-dhar\bar{a}$ 'i'.

For the Prophet did not clarify in it the thing in which there is no harm, which is such that a servant is not considered among the righteous except if he abandons that.

If this *ḥadīth* would be authentic and taken upon its apparent, it would imply avoiding all of that which is *ḥalāl* on earth because every *ḥalāl* has no harm in it. And it is not specified in that narration what the things are, in which there is no harm, which would make a servant not among the righteous except if he abandons it.

So the weakness of this narration is clear, and it has Abū 'Aqīl, who is not reliable. And it is clear that if it would be authentic, it would only pertain to piety.



If they [the opponents] cling to the saying of the Prophet $\stackrel{\text{\tiny{def}}}{=}$, "Righteousness is good character, and sin is what troubles your heart and you dislike that people should know about it."

And the saying of the Prophet $\stackrel{\text{\tiny{de}}}{=}$, "The \underline{halal} is that which the soul feels at ease with, and the sin is that which troubles your heart, even if people give you a $fatw\bar{a}$ about it." ⁹⁴

The first narration is weak because of Muʿāwiyah Ibn Ṣāliḥ, he is weak, ibn al-Qaṭṭān described him with weak memory.

And in the second narration, there are $majh\bar{u}l$ narrators, and it is also munqati. And may Allāh protect us from considering the $har\bar{a}m$ and $hal\bar{a}l$ based on what appears in the soul [nafs]; for souls have differing desires, and religion is one with no disagreement in it. Allāh, the Exalted, said, "Had it been from other than Allāh, they would have found therein much contradiction" [An-Nisā': 82].

And whoever prohibits the ambiguous [mushtabah] and issues a fatwā regarding it, ruling it upon the people, has indeed added to the religion what Allāh did not permit, and has opposed the Prophet $\stackrel{\text{\tiny def}}{=}$, taking it upon himself to correct his Lord with his intellect regarding certain matters of the sharī ah. And sufficient for this is the $ijm\bar{a}$ of the entire Ummah, transmitted from era to era, that those who were in the time of the Prophet and present in Madīnah, when they wanted to buy something to eat, wear, ride, use, or own—anything—would enter the marketplace of the Muslims or encounter a Muslim selling something and buy from him.

It is permissible for him to purchase unless he was made aware of something being explicitly harām or unless harām dominated to the extent that it obscured the halāl. And there is no doubt that in the marketplace there are stolen, usurped, and taken [items] by false means, and all of this existed during the time of the Prophet and till now. The Prophet did not prohibit anything from that. And this is the ambiguous matter itself. And when his companions asked him, saying, "Indeed, some Bedouins, who are new to Islām, come to us with sacrifices, and we do not know if they mentioned the name of Allāh upon them or not," he said, "Mention the name of Allāh and eat."

⁹³ Sahīh Muslim 2553

⁹⁴ Musnad Ahmad 4/227-228 | Sunan Al-Dārimī 2533, 2/320

⁹⁵ Sahīh al-Bukhārī 7398

This clarifies the doubt entirely in this regard. And it has been narrated that the Prophet \cong instructed that if one's brother offers him something to eat, he must eat and not ask. So we encourage people towards piety just as the Prophet \cong urged them, and we recommend to them to avoid what troubles the soul, and we do not oblige a ruling on anyone nor issue a binding $fatw\bar{a}$ just as the Messenger of Allāh \cong did not issue such a ruling upon anyone.

Some have argued with the saying of Allāh, "O you who have believed, do not say [to the Messenger] ' $R\bar{a}$ ' $in\bar{a}$," but say ' $Unzurn\bar{a}$," [Al-Baqarah: 104] they say, "So they were prohibited to say ' $R\bar{a}$ ' $in\bar{a}$ ' not to make it a means for the infidels to use it to insult the Prophet "."

And this is not a hujjah for them because the authentic narration has come that they would say ' $R\bar{a}$ ' $in\bar{a}$,' out of foolishness $[Ru'\bar{u}nah]^{96}$.

And this is not established in the Qur'ān and Sunnah rather it is a statement of a companion, and Allāh and His Messenger did not say: You are prohibited from saying ' $R\bar{a}$ 'in \bar{a} ,' because it opens a means for them to say, ' $R\bar{a}$ 'in \bar{a} ,' And as no text has come from Allāh or His Messenger regarding anyone in this matter, then there is no hujjah in the saying of anyone other than them.

And some of the companions such as Ibn 'Abbās said regarding the prohibition of eating donkeys that they were burdens for people⁹⁷.

And some said they were prohibited because they ate filth⁹⁸.

Both statements are incorrect because chickens also eat some filth that donkeys do not consume, and the Prophet never prohibited chickens. And the people were in greater need of horses for *ighārah* than donkeys, and the Prophet permitted eating horses at a time when he prohibited donkeys. So both sayings are false.

And likewise is the saying about those who say that Allāh prohibited saying ' $R\bar{a}$ ' $in\bar{a}$,' so that they would not open a means for ' $R\bar{a}$ ' $in\bar{a}$,' to be said, so there is no hujjah in his saying, because he only told what with him and did not attribute it ($isn\bar{a}d$) to the Prophet $\stackrel{\text{\tiny{def}}}{=}$.

And this verse is a hujjah against them, not for them, because when they were prohibited from saying ' $R\bar{a}$ ' $in\bar{a}$,' and ordered to say ' $Unzurn\bar{a}$,'

⁹⁶ Tafsīr Al-Ṭabarī 1/514-519 | Tafsīr Al-Thaʿlabī 1/170-171

⁹⁷ Şahīh al-Bukhārī 4227 | Şahīh Muslim 1939

 $^{^{98}}$ Ma rifah Al-Sunan by Al-Bayhaqī $7/267\mid$ Şaḥīḥ al-Bukhārī 4220



both meanings of the words are the same in meaning, so it is established without doubt that it is not allowed to transgress the apparent orders, this is a very strong *ḥujjah* on the invalidation of *qiyās* with '*ilal*.

And also Allāh only ordered them not to say, ' $R\bar{a}$ ' $in\bar{a}$,' and ordered them to say, ' $Unzurn\bar{a}$,' the great upright companions of the Prophet $\stackrel{\text{def}}{=}$ never meant with, ' $R\bar{a}$ ' $in\bar{a}$ ': 'Ru' $\bar{u}nah$.' As for the $mun\bar{a}fiq\bar{n}$ who said, ' $R\bar{a}$ ' $in\bar{a}$,' they meant with it 'Ru' $\bar{u}nah$,' they did not care about the order of Allāh, nor did they believe, so the corruption of their saying is evident with this verse.

And they said, "We only prevent the one that marries a woman in her waiting period ['iddah] forever, as he hastened to marry her before its time."

And they said, "And likewise we also prohibit the killer from inheritance because he hastened it before its time."

This is an 'illah for which there must what validates it because it is a mere claim.

And it is said to them: Where do you get it from that whoever hastens something before its time, that it is prohibited for them forever?

Then it did not take them long before they contradicted themselves in the most ridiculous contradiction, as they said, "Whoever marries a woman who already has a husband and has relations with her, and her husband comes back, she does not become prohibited upon him forever; rather, he has the right to marry her if her current husband divorces her or dies, even though he hastened to marry her before its time."

They are also implied that whoever steals someone else's property is prohibited from owning it forever because he hastened it before its time. And that whoever kills another, his maid becomes prohibited upon him forever because he hastened her being free before her time.

And the followers of Mālik impose three divorces upon whoever doubts whether he divorced three times or less. They differentiate between one who divorced one of his two wives and then does not know which of them is divorced, and between both of them, so they divorce both of his wives and prohibit many permissible things for fear of committing the prohibited.

In this, there is a lesson for those who reflect: O how you fear in permitting the committing of that what is prohibited; do you not fear that by ruling separation, and them being prohibited for each other falling into prohibiting that which Allāh did not prohibit?

Everyone with religion knows that making harām something that is not made harām is harām. Indeed, they have fallen into the exact thing they fear, without a doubt. And it is astonishing that the fear of harām acts falling must also apply for everyone else, whom it may not fall upon, this has led with certainty to commit acts that are undoubtedly harām, because they have prohibited what Allāh has not prohibited. The muḥarrim ul-ḥalāl is just as the muḥallil ul-ḥarām without difference [the one making ḥarām the ḥalāl is the same as the one that makes the harām halāl].

And the wonder of all wonders is that they claim they are cautious, regarding the one that does not know which of his wives he has divorced, fearing that he may commit prohibited relations with the one he divorced, while he does not know her, so he would be committing an act that is *ḥarām* without knowing it, and they do not fear Allāh, the Exalted, while they are cautious about themselves, which they have been ordered to be cautious of.

Their Lord, the Exalted, said to them, "O you who have believed, take care of yourselves; no harm will come to you from those who have gone astray if you have been guided" [Al-Mā'idah: 105].

Just as they claim that out of *iḥtiyāṭ* both are divorced so that the man does not by 'accident' have prohibited intercourse, they acknowledge that only one was divorced and the other not, which means that the marriage remains and claiming that divorce counted on her by that invalid divorce means that they permit others to marry someone while she is already married.

So they prohibit the second wife, who is undoubtedly his wife, while he has never divorced her at all, and they remove her from his ownership without the permission of Allāh, the Exalted, and they allow her private part for others, whom it is undoubtedly prohibited for to marry her, while she is not divorced, nor has she been released from the marriage, nor has she been widowed.

They fall by that into something greater than what they were preserving others from, for the one who is in doubt about divorce, if he were to commit that ' $har\bar{a}m$ ' act, he would not be sinful because he does not know it to be $har\bar{a}m$, while they allow something that is undoubtedly $har\bar{a}m$ and not permissible.

It would have been better for them not to proceed in making *ḥalāl* the two women whom he has not divorced, without doubt, to strangers, with that they have become those who make *ḥalāl* the *ḥarām* private parts for others.



Also, they rule the divorce of a woman who has not been divorced for the sake of another woman who has been divorced. Allāh, the Exalted, says, "And no soul earns except against itself, and no bearer of burdens will bear the burden of another" [6:64].

It is not permissible for anyone to have *ihtiyāt* in religion by prohibiting what Allāh has not prohibited, for then he is fabricating in religion. And Allāh, the Exalted, is more cautious towards us than we are towards each other. So our obligation is that we do not prohibit except what Allāh has prohibited and has prohibited or obliged by its exact name or its description.

And it is obligatory upon us to permit that which is beyond that, as He has stated, permitting what is on earth for us except what He has prohibited, and that we do not add anything to religion that Allāh has not permitted. Whoever does other than this has disobeyed Allāh, the Almighty, and His Messenger , and has committed one of the gravest sins.

Then they turned and dropped the *iḥtiyāt*, and deliberately dropped the obligation, in the case of a man who had four upright witnesses testify against him that he had freed his maidservant a full year ago, and he denies this, but he acknowledges having had intercourse with her. They rule according to the testimony when it is delivered, but they do not punish him for having intercourse with a free woman without marriage. This is the utmost recklessness in committing forbidden acts. So where is the *iḥtiyāt*? It is astonishing that they disbelieve the witnesses, as they do not rule according to the full extent of their testimony. The witnesses did not testify that she was freed now, but rather that she was freed a year ago, and they were absent until today. In this, there is much negligence and recklessness.

And it is said to those who have made *iḥtiyāṭ* a principle by which they prohibit what is not explicitly prohibited by the text: It is implied for you to prohibit every ambiguous thing sold in the market that could be either *ḥalāl* or *ḥarām*, and you are not certain whether it is *ḥarām* or *ḥalāl*. You are also implied to prohibit dealing with anyone whose wealth is a mixture of *ḥalāl* and *ḥarām* sources. Yet, they do not say any of this, and this contradicts their principles of ruling by *iḥtiyāṭ* and eliminating doubt and suspicion.

They have contradicted themselves in these matters, and some of them argue, defending their principles of ruling by *iḥtiyāt*, that the *ḥarām* enters by the weakest cause, as in Allāh's prohibition of marrying women

whom one's father has married. So, this was prohibited by the contract, even if there was no intercourse. And as for making something *halāl* it only enters by the strongest causes, as in the case of a woman divorced three times: she does not become permissible for her former husband by simply marrying another man, but only after intercourse.

There is no *hujjah* in this for them, as we follow in both matters nothing other than the texts that were revealed about them. Their statement that prohibition enters by the weakest cause and permission by the strongest cause is a false statement with no evidence, for no text has come to support it, nor is there $ijm\bar{a}$ on its validity. We find that prohibition does not always enter by the strongest cause, as Allāh has forbidden the stepdaughter [rabībah] when a man consummates marriage with her mother and she is in his care. The stepdaughter is not forbidden except by the reason Allah has specified, and by our agreement and theirs, she is not prohibited merely by the contract with her mother.

We also find that making permissible can be achieved by the lightest cause, as in the case of breaking solemn oaths made in the name of Allāh, which can be expiated by feeding ten poor people or by a simple verbal exception [istithnā'], which requires no great effort.

If they say, "These rulings are based on texts."

We say to them: The same applies to the prohibition of marrying women whom one's father has married.

And the permissibility of a thrice-divorced woman through intercourse with another husband these are only established by the text, not by what they claimed regarding a weak or strong cause.

We also found that the Prophet # prohibited himself that which Allāh had made *halāl* for him, yet this did not make it *harām* for him, and nothing is more stringent than the Prophet *s''s own prohibition. And while that is the case the prohibition did not occur, because no nass was revealed about it. He was released from that oath by expiation, so permissibility entered through the weakest and lightest cause, invalidating what they claim.

Additionally, their *hujjah* that a thrice-divorced woman is not permissible to her first husband except through the strongest cause, but then they allow her by that intercourse without ejaculation, contradicts their own principles.

And they allowed permissibility through a weak cause, because Al-Ḥasan Al-Baṣrī one of the *imāms*, said the woman does not become permissible to the first husband unless the second husband has intercourse with her and ejaculates otherwise, she is not permissible ⁹⁹, so he made ejaculation that what completes the taste of *'usaylah* and they do not say this.

And also, they allow a man to marry a woman with whom his father committed adultery, and they do not prohibit his wife if he commits adultery with his prohibited maidservant to him. Here, they do not apply prohibition through the weakest cause, but rather through the strongest cause, which is agreed upon in *ḥalāl* intercourse.

They also permit the killing of a person who confesses to adultery after a single confession, allowing the most severe punishment [death] for unlawful bloodshed, which is the gravest of prohibitions, through the weakest cause. And for Others, they do not allow execution unless the person confesses four times and does not retract.

All of this is contradictory and destroys their principle that prohibition enters through the weakest causes, while permissibility only enters through the strongest causes.

And that what invalidates their claim is Allāh's statement, "And do not say concerning the lies your tongues utter: 'This is *ḥalāl* and this is *ḥarām*,' to fabricate lies against Allāh' [16:116].

And His statement, "Say: Have you considered what Allāh has sent down for you of provision, and you have made some of it *ḥarām* and some *ḥalāl*? Say, 'Has Allāh permitted you, or are you fabricating lies against Allāh?" [10:59].

These two verses affirm that anyone who declares something permissible or prohibited without explicit permission from Allāh in its prohibition or permissibility has fabricated a lie against Allāh. We are certain that Allāh has made everything He created on the earth *ḥalāl* for us, except for what He has made *ḥarām* by text, as He says, "He has created for you everything on earth" [Al-Baqarah: 29].

And He said, "He has explained to you what He has forbidden" [Al-An ām: 119].

These two clear texts invalidate the claim that anyone can prohibit something based on *iḥtiyāt*, fear, or means of closing a door to sin.

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 $^{^{99}}$ Al-Muṣannaf by Ibn Abī Shaybah 3/541-542

And also, the Prophet \cong ordered anyone who feels uncertain about breaking his $wud\bar{u}$ not to pay attention to it and to continue his prayer, remaining upon the ruling of purity, unless he hears a sound or smells a scent. This ruling applies to prayer, which is the most ascertained among the rulings.

If $ihtiy\bar{a}t$ would be the truth, then prayer would be the most deserving of $ihtiy\bar{a}t$. But Allāh, the Exalted, did not make a ruling to anything other than certainty. So, it is established, as we have mentioned, that everything known with certainty to be prohibited does not become permissible except with another certainty from a text or $ijm\bar{a}$. Similarly, everything known to be permissible cannot change to being prohibited except with another certainty from a text or $ijm\bar{a}$.

So ruling based on *iḥtiyāṭ* is false, and it is affirmed that no ruling exists except based on certainty alone [Meaning *iḥtiyāṭ* by default is always only assumptions and uncertainty and no ruling at all becomes ever necessary if it contains any doubts].

The true *iḥtiyāṭ* is that a person must not prohibit anything except what Allāh has prohibited, nor permit anything except what Allāh has permitted.

So it is then invalid to declare a woman divorced from her husband if there is doubt about whether he divorced her or not, because she remains his wife with certainty, and the certainty is that they married and this state of certainty does not cease and except with another certainty, either from a text or $ijm\bar{a}$ which is a real divorce without doubt, With Allāh's guidance.

Indeed, this false principle has led them to judge many matters based on suspicions, that are not permissible. They invalidate the testimony of upright witnesses against their fathers, sons, wives, and friends, because of suspecting them of lying or injustice against them.

Ruling based on suspicion is *ḥarām* and not permissible because it is a ruling based on conjecture. Allāh, the Exalted, criticized a people who judged based on their suspicions, saying, "And you assumed an assumption of evil and became a people ruined" [48:12].

Allāh also rebuked those who said, "We only assume it is speculation, and we are not convinced" [45:32].

And He said, "They have no knowledge of it. They follow nothing but conjecture, and conjecture avails nothing against the truth" [53:28].



And He said, "They follow nothing but conjecture and what their souls desire, even though guidance has already come to them from their Lord" [53:23].

The Messenger of Allāh said, "Zann is the most false of speech."

Whoever judges based on suspicion, *iḥṭiyāṭ* without certainty, or out of fear of leading to that what has not yet occurred, has judged based on conjecture. And when anyone judges based on conjecture, they have judged based on falsehood and lies, which is impermissible. This is a ruling based on whims and a deviation from the truth. We seek refuge in Allāh from any *madhab* that leads to this.

And this *madhab*, in its essence, is deserted, corrupt, and self-contradictory.

Because no one is more deserving of suspicion than others, and if something *ḥalāl* is *ḥarām* out of fear that it can leading to a greater *ḥarām*, then men should be castrated out for fear that they may commit fornication, or people should be killed for fear that they might disbelieve, or vineyards should be cut down for fear that wine might be made from them.

So this is the most corrupt madhab on earth, as it leads to the invalidation of all truths, and in Allāh is the success.

If someone clings to the statement of the Prophet , when 'Uqban Ibn Al-Ḥārith married the daughter of Abū Ihāb ibn 'Azīz, and a black slave woman came and said, "I nursed both of you," then the Prophet said to him, "Leave her, how could you be together when that has been said?"

This is something the Messenger of Allāh would not say unless it was established to him that it was obligatory to rule by the word of that black slave woman [because of additional knowledge]. And when the news is confirmed by the judge, or the testimony is proven to him, he is obligated to rule accordingly.

If someone were to say, "That was not considered a testimony from the black slave woman for two reasons: the first is that she did not present it to the Messenger of Allāh but rather informed 'Uqbah Ibn Al-Ḥārith of it, and testimony is only valid when it is presented before a judge. The second reason is that the Prophet said that the testimony of a woman is half that of a man, so it is impossible for this incident to be outside of that rule, and it is impossible for the testimony of a woman to be equivalent to that of a man, let

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¹⁰⁰ Sahīh al-Bukhārī 88

alone two men. And there is no way that the Prophet would have ordered 'Uqbah to leave his wife based on suspicion, because the Prophet also said, 'Suspicion is the worst of lies.' This is not something a Muslim would think of the Prophet, [so he must have said it because of iḥtiyāt] especially concerning the separation between spouses, which Allāh has magnified in His statement, describing the sorcerers, 'And they learned from them what they used to separate a man from his wife, but they could not harm anyone except by God's permission' [2:102]. Since it has been disproven that the story of the black slave woman was a testimony or a ruling based on suspicion, what remains is that it was news which the Prophet believed, and he knew its validity, so he ruled accordingly."

It is said to him: As for your saying that she did not deliver to the Prophet her testimony, then this is false and she has fulfilled her testimony, her saying to the Prophet is reliable [thiqah] and that was mentioned to him and the testimony of one, according to us of a woman is valid in this specific ruling, about $rad\bar{a}$ [breastfeeding]. As for your saying that the Prophet said that the testimony of the woman is half that of the man, then yes and the Prophet, the one that said what you mentioned he is the one that said to 'Uqbah Ibn Al-Ḥārith, "Leave her," and ordered separation between them by the testimony of the black woman, then the testimony of one woman is accepted in the testimonies about $rad\bar{a}$ 'specifically, while in other cases, two women stand in place of one man, according to the other text mentioned. It is not permissible to dismiss one of these texts for the other.

This is while the Mālikīs, who rule by *iḥtiyāṭ* and prohibit what leads to sin in grave matters for which Allāh has not given permission, do not rule based on the saying of a woman to a husband and his wife that she nursed them, and they do not separate them based on that while all of that is in the mentioned narration. So as you can see, they oppose the *naṣṣ*, in aspects where they have no relation to them whatsoever and differ from it by *iḥtiyāṭ* where no text indicates it. Allāh is the source of success.

If they argue by the narration attributed to the Prophet ## that he said, "Every unclear matter is prohibited, and there is no ambiguity in religion." ¹⁰¹

 $^{^{101}}$ Al-Musnad by Al-Rūyānī 1519, 2/490-491 | Al-Muʿjam by Ibn Al-Aʿrābī 1847, 3/885 | Al-Muʿjam Al-Kabīr 1259



This narration is not a *hujjah* due to the weakness of its *sanad*, as Husayn Ibn 'Abdullāh is weak, and his father and grandfather are not known among the transmitters.

As for every matter or two matters in which we have certainty that in them is <code>harām</code> which we do not know it exactly then the ruling of them is <code>tawaqquf</code> [not allowed as we said in the beginning of the chapter] or leaving <code>tawaqquf</code> based on the distinctions we have made elsewhere, until the <code>harām</code> is distinguished from the <code>halāl</code>. This is because, in such a case, there is certainty of a <code>harām</code> matter, and it is obligatory to avoid it.

This differs from a matter that is doubtful, in which there is no certainty at all.

Tamīm Ibn Salamah said, "Ibn 'Umar said, 'Allāh loves for His concessions to be taken as He loves for His obligations to be fulfilled.' I mentioned this to 'Abd Al-Raḥmān Al-Raḥḥāl, and he said that 'Abbās said, 'Allāh loves for His concessions to be accepted as He loves for His punishments to be carried out."¹⁰²

This clarifies that it is not permissible to refrain from something that has been allowed by Allāh through His Prophet $\stackrel{\text{def}}{=}$, even if it is a concession. All of this is truth, Sunnah, and religion. So, what they hold regarding $ihtiy\bar{a}t$ for which nothing has come from the nass or $ijm\bar{a}$ is mere falsehood. And in Allāh is success, and He is sufficient for us and the best disposer of affairs.

 $^{^{102}}$ Al-Muṣannaf by Ibn Abī Shaybah 26471-4, 5/137

Chapter Thirty-Four: *Istiḥsān*, *Istinbāṭ*, *Raʿī* And The Falsehood Of All Of Them

We have gathered all of this in one chapter because they are all words that pertain to one meaning, without difference in what is intended by them, even if the words differ.

It refers to the judgment made by the one who deems it most suitable for both the future and the present. This is $istihs\bar{a}n$, based on what he considers appropriate in his ra \bar{i} regarding the matter. It involves deriving the ruling that he believes to be most fitting.

The Mālikīs have applied *istiḥsān* (in many of their issues. Al-ʿUtbī, Muḥammad ibn Aḥmad, narrated: Aṣbagh ibn al-Faraj narrated to us, saying: I heard Ibn al-Qāsim say: Mālik said, "Nine-tenths of knowledge is *istiḥsān*."

Aṣbagh Ibn Al-Faraj said, "In knowledge, $istiḥs\bar{a}n$ is more prevalent than $qiy\bar{a}s$."

He mentioned this in the chapter *ummuhāt al-awlād* in his Al-Mustakhrajah.

As for the Ḥanafīs, they have applied it a lot, and the Shafi iyyah rejected it, and from among the companions of the Ḥanafī *madhab*, Aḥmad Ibn Muḥammad Al-Ṭaḥāwī also rejected it.

As for those who support it, we find them often saying in many of their issues, "The $qiy\bar{a}s$ in this matter is such and such, but we prefer $istihs\bar{a}n$ here to say otherwise."

Those who believe in *istiḥsān* argued as evidence by citing the saying of Allāh, the Almighty, "Those who listen to the word and follow the best of it; those are the ones Allāh has guided, and those are the people of understanding" [Az-Zumar: 18].

This is a *ḥujjah* against them not for them because Allāh did not say, "They follow that which they make *istiḥsān* of," rather he said, "They follow the best of it."



The best of words is that which is in the Qur'ān and the speech of the Messenger. $\stackrel{\text{\tiny{def}}}{=}$ This is the certain $ijm\bar{a}$ of all Muslims the one that says otherwise is not a Muslim. And it is that what Allāh clarified when he said, "And if you disagree over anything, refer it to Allāh and the Messenger, if you believe in Allāh and the Last Day. That is the best [way] and best in result." [4:59].

And He did not say, "Refer it to your istiḥsān."

And it is impossible for the truth to lie in our *istiḥsān* without certain decisive evidence, for if that would be the case, Allāh would be burdening us with what we cannot bear, the truths would be invalidated, the proofs would conflict, and contradictions would arise.

And Allāh, would be ordering us to disagree, something He has prohibited. This is impossible, because it is not possible for all scholars to agree on one *istiḥsān*, because of their varying motivations, temperaments, and objectives. Some have a natural inclination toward strictness, others toward leniency, some toward firmness, and others toward caution. There is no way to agree on one *istiḥsān* with these varying inclinations, stirred feelings, and differing outcomes and implications.

We find that the Ḥanafīs make *istiḥsān* of what the Mālikīyyah have make *istiqbāḥ* of [the direct opposite of *istiḥsān*: making it reprehensible] and the Mālikīyyah make *istiḥsān* of what the Ḥanafīyyah make *istiqbāḥ* of.

So it is invalid for the truth in the religion of Allāh the Exalted to be based on the *istiḥsān* of some people. This would only be the case—Allāh is exalted above that—if the religion would be incomplete. But as it is complete, with nothing to be added, and everything is clarified and either *manṣūṣ* or unanimously agreed upon, so there is no meaning for the *istiḥsān* of anyone and also not for the *istiqbāḥ* of anyone. The truth is the truth even if people find it disapprove it and falsehood remains false even if the people prefer it.

So, it is clear that $istihs\bar{a}n$ is a desire, a following of whims, and misguidance. We seek refuge in Allāh from being deserted.

It is narrated that some $fat\bar{a}wa$ were issued based on ra \bar{i} by the Companions.

If someone says, "Since $fat\bar{a}wa$ based on ra' $\bar{\imath}$ have appeared among the Companions, then they must have unanimously agreed on its approval."

The answer With Allāh's guidance: the matter is not as they say. Instead, if someone were to say that they [the Companions], may Allāh be

pleased with them, had an $ijm\bar{a}$ disapproving it, he would be correct. This is because among the Companions who issued $fatw\bar{a}s$, may Allāh be pleased with them, there were about one hundred and thirty. However, only about twenty of them are known to have many issued $fatw\bar{a}s$, and it is not narrated authentically from any of them that they endorsed ra \bar{i} as a method, or that it was part of the religion according to them, or that it was obligatory to adhere to it. Instead, it is narrated from most of them blaming ra \bar{i} . And in any way, it is narrated about them that they issued $fatw\bar{a}$ using it, then none of them obliged obedience towards it.

Then we reverse the question on them: Is anyone after the Prophet infallible? All Muslims, including them, concur that no one after the Prophet is infallible and that everyone else is prone to making mistakes is at times wrong and at times correct.

As that is the case, is it conceivable for anyone to claim that they had $ijm\bar{a}$ on an error and sought to correct that error through it? This is something no one would say.

Ijm \bar{a} is only valid if they unanimously agree on the correctness of a statement, and none of them ever validated a saying based on ra $\bar{\imath}$. And also, none of them issued a $fatw\bar{a}$ based on their own ra $\bar{\imath}$ except there exists others who issued a $fatw\bar{a}$ on the same issue but based on the nass that he narrated from the Prophet \approx , or a saying in accordance with the nass.

As that is the case, it is obligatory to present those sayings before the Qur'ān and Sunnah. The Qur'ān and Sunnah validate the saying whose saying is from the naṣṣ, not the one based on ra' $\bar{\imath}$. With Allāh's guidance, this is the truth.

They also argue for *istiḥsān* by quoting a phrase that is commonly said, "Whatever the Muslims see as good, is good with Allāh."

This saying is not narrated from the Prophet ##in any authentic way. What is certain is that it is not found in anywhere. It is only narrated. This saying is only known from Ibn Mas 'ūd¹⁰³.

Even if this statement was authentic, it would not be a hujjah for them, because it would only be an evidence for the $ijm\bar{a}$ of the Muslims. Because there is not in the narration, "What some Muslims see as good is good," but rather, "What the Muslims see," which refers to the $ijm\bar{a}$ that cannot be opposed if it is established.

¹⁰³ Musnad Ahmad 1/379 | Al-Mustadrak by Al-Hākim 4465, 3/83



And what some Muslims see as good is not more deserving of being followed than what others among the Muslims see. If that were the case, we would be ordered to do both a thing and at the same time its opposite, to act and abstain from the same thing at once, which is impossible, there is no way for that.

Then it is said to them, "What do you mean by saying that *istihsān* in this matter is such and such?"

Their response is one of two: either it refers to what they were close to the generation Abū Ḥanīfah and Mālik, which they see as safer, lighter, closer to customs, or further from what is outrageous. All of this ultimately goes back to what their desires find pleasing, and this is invalid by Allāh's words, "And [he who] restrained himself from his desires, indeed, Paradise will be his abode" [An-Nāziʿāt: 40-41].

And His words, "Indeed, the soul is inclined to evil, except those upon whom my Lord has mercy" [Yūsuf: 53].

Allāh also said, "But those who do wrong follow their desires without knowledge" [Ar-Rūm: 29].

And Allāh said, "And who is more astray than one who follows his desires without guidance from Allāh?" [Al-Qaṣaṣ: 50].

These verses invalidate following what they others think is good [$istihs\bar{a}n$] without certain decisive evidence from a nass or $ijm\bar{a}$. No one is more cautious [has more $ihtiy\bar{a}t$] for the believers than Allāh, their Creator, Provider, and the One who sent the messengers to them.

True *iḥtiyāṭ* is following what Allāh has ordered, and all disgrace is in nothing other than opposing Him. There is no meaning in what the hearts find repulsive merely because they are not used to it.

All of these are corrupt assumptions that are only valid to those who have not trained themselves in knowing the truth. There is nothing good except what Allāh and His Messenger have ordered or permitted, and nothing is ugly or reprehensible except what they have prohibited.

And their second response, given by al-Karkhī, is that he said: "Istiḥsān is the most precise of the two forms of qiyās."

This statement is invalidated by what we will present—if Allah wills—in the chapter on the falsehood of $qiy\bar{a}s$ in this book of ours. With Allah's guidance, we ask them: If there exists a $qiy\bar{a}s$ that necessitates abandoning another $qiy\bar{a}s$, opposes it, and invalidates it, then you have



admitted the invalidity of *qiyās* by your own admission. It is further established by decisive, necessary evidence that all forms of *qiyās* are invalid based on this practice, because the truth does not contradict itself, nor does any part of it invalidate another part.

Decisive evidence never contradicts another piece of decisive evidence, because opposition implies that one of the two meanings invalidates the other. If the truth invalidates something, then that thing is false, and falsehood cannot be the truth while remaining false. And if one part of a thing invalidates another part, then it necessarily follows that the whole thing is invalid, as we have already stated that the truth does not invalidate itself.

So if—according to you—some types of $qiy\bar{a}s$ invalidate other types of $qiy\bar{a}s$, then the entire category of $qiy\bar{a}s$ is inherently contradictory, with its parts invalidating one another. So $qiy\bar{a}s$ as a whole is entirely false.

If they say, "But some narrations contradict others, and likewise verses of the Qur'ān in cases of abrogation, and even reasoning [can conflict], yet this does not indicate the invalidity of the Qur'ān, narrations, or reasoning as a whole."

We respond—by Allāh's guidance: This is a severe deception. It is not possible for one verse to invalidate another except through abrogation (naskh), or for one narration to invalidate another except if one of them is weak, in which case it is not included among what we are ordered to obey. The same applies to reasoning, as valid reasoning is only decisive evidence. Errors and fallacies arise when people mistakenly think they are using decisive proof when they are not, but such errors do not fall under valid reasoning.

As for what you claim regarding the two forms of $qiy\bar{a}s$, this does not belong to the same category, because in $qiy\bar{a}s$ there is neither abrogation nor any claim that one of the analogies is a deceptive one and not truly $qiy\bar{a}s$. Rather, you claim that both are forms of $qiy\bar{a}s$, yet you prefer the more precise of the two $(istihs\bar{a}n)$ while abandoning and invalidating the other, even though you acknowledge it as $qiy\bar{a}s$. If part of the category is false, then the entire category is false, for it is not permissible to combine truth and falsehood within one category at all.

Those who reject $istihs\bar{a}n$ and turn to the principle of favoring 'ilal (rationale) and prioritizing what has the greatest number of similarities should



not imagine they have escaped this implication. For they, too, invalidate one *'illah* in favor of another and reject the ruling based on fewer similarities in favor of the one with more. Yet they neither derive rulings based on such reasoning nor validate *qiyās* through it.

Rather, they affirm that 'ilal invalidate one another, that some similarities do not yield rulings, and that agreement in similarity does not necessitate agreement in rulings. By this admission, *qiyās* is invalidated entirely, for any method of reasoning that contradicts itself, invalidates itself, and is mutually corrupting is entirely false.

The truth does not contradict itself, nor can there ever be evidence that validates two opposing conclusions on the same matter.

Mālik, may Allāh have mercy on him, acknowledged the truth in this matter and disassociated ($bar\bar{a}$ 'ah) himself from those who make $taql\bar{\iota}d$ of him.

Abū Muḥammad narrated, "'Abd Al-Raḥmān Ibn Salamah —» Aḥmad ibn Khalīl —» Khālid ibn Sa'd —» 'Abdullāh Ibn Yūnus al-Murādī —» Baqī' ibn Makhlad —» Saḥnūn and al-Ḥārith ibn Miskīn —» Ibn al-Qāsim said, "Mālik would often say, 'We only guess, and we are not certain.""

We say to the one who argue for *istiḥsān*. What is the difference between what you deemed good while someone else deemed it bad, and what someone else deemed good while you deemed it bad? What makes one of these two positions closer to the truth than the other? This is an inescapable dilemma and by Allāh's guidance.

As for $istinb\bar{a}t$, we say: $Ahl\ ul$ - $qiy\bar{a}s$ sometimes refer to their $qiy\bar{a}s$ as $istinb\bar{a}t$, and this term is derived from 'I brought forth water,' meaning extracting it from the ground, earth, and stones, which are different. So $istinb\bar{a}t$ is the extraction of a ruling from words [of the naṣṣ] while those words [naṣṣ] are contrary to that ruling, and this is false [$istinb\bar{a}t$ is also making a ruling that is not $manṣ\bar{u}s$ in the Qur'ān and Sunnah].

And it is astonishing that they argue for its validity by citing Allāh's words, "But if they had referred it to the Messenger or to those of authority among them, then the ones who can draw correct conclusions from them [do *istinbāṭ*] would have known it, except for a few" [An-Nisā': 83]

This is an example of their blatant audacity, which indicates the weakness of the religion of those who use this as evidence for the validity of

istinbāṭ. It is deceit toward those who take a lesson from it and misguidance for those who have *husn al-zann* of their words, and this word.

This verse without a doubt, invalidates *istinbāt*, because the word, 'if [law],' in Arabic— the language in which the Qur'ān was revealed— is a particle indicating the impossibility [imtinā'] of something because of the imtinā' of another thing. Allāh, the Exalted, explicitly stated that if they had referred the matter to the Messenger and those who possess knowledge of the Sunan of the Prophet, they would have known the truth. If they do not refer it back but rely on their own istinbāt and because of that they did not come to know the truth. This is something clear, and it is not permissible to understand this verse in any way other than what we have clarified. There is no greater hujjah against istinbāt than this verse, if they were just with themselves [the verse they themselves use as evidence for it is the greatest evidence against them].

Some of them have said that the pronoun, "From them," from His saying, "The ones who can draw *istinbāṭ* from them" [An-Nisā': 83], refers to the Messenger and to *ulū al-amr*. And not to the pronoun in, "But if they had referred it." This does not take the out the verse invalidating *istinbāṭ* which they are seeking to save.

If it would be as they claim, then the meaning of the verse would be, "If they had referred it to the Messenger and those in authority, those who do $istinb\bar{a}t$ of it would know [meaning they do $istikhr\bar{a}j$ of its knowledge from the Messenger and $ul\bar{u}$ al-amr]."

This is our stance, not theirs, because every saying taken from the Prophet and from the $ijm\bar{a}$ is without doubt the truth. What is rejected is their attempt to extract from the Prophet's speech and the $ijm\bar{a}$ of the $ijm\bar{a}$ of the $ijm\bar{a}$ and also not understood from what is heard of those words [the apparent], and also not what its meaning necessitates in the Arabic language. This is what they attempted and we oppose them in that, not in that what is taken from the Prophet or the $ijm\bar{a}$ or the

If they cling unto the narration we narrated from 'Umar regarding the cause (*sabab*) of the revelation of this verse, they use as evidence the saying of 'Umar in it, "I was the one who deduced this matter."

This is not a hujjah for them, it is instead against them. It is the narration about $al-\bar{\imath}l\bar{a}$ of the Prophet # from his wives.

Ibn 'Abbas narrated, "'Umar said: 'O Messenger of Allah, what troubles you regarding the matter of women? If you have divorced them, then Allāh is with you, His angels, Gabriel, Michael, Abū Bakr, and the believers are with you. I have rarely spoken a word for which I did not hope that Allāh would affirm it.' And the verse was revealed, the verse of choice, 'And if you support each other against him, then indeed Allāh is his protector, and Gabriel and the righteous believers, and the angels after that are supporters. It may be that his Lord, if he divorces you, will give him better wives than you submissive, faithful, obedient, repentant, worshipful, fasting-previously married and virgins' [At-Taḥrīm: 4-5]. 'Umar said, 'I stood at the door of the mosque and called out in a loud voice, 'The Messenger of Allah # has not divorced his wives.' And the verse was revealed. 'And when there comes to them information about security or fear, they spread it, but if they had referred it to the Messenger or to those of authority among them, then those who derive it would have known it.' [An-Nisā': 83]. 'Umar said, 'I was the one who deduced this matter and Allāh revealed the verse of choice."104

We say: Before everything, this wording is only narrated from this tarīq, and that is not free from 'Ikrimah Ibn 'Ammār, who is munkar ul*ḥadīth*. We have narrated from his *ṭarīq* a fabricated, false narration with this same isnād from 'Ikrimah Ibm 'Ammār —» Simak Abū Zumail —» Ibn 'Abbās. There is no doubt in this—there is no one in the chain accused except him. As for that false narration it is mentioned in it that after Abū Sufyān Ibn Harb became Muslim, the Muslims avoided him, and that he asked the Prophet # to marry his daughter Umm Habībah, to appoint his son Mu'āwiyah as a scribe, and to use him in service¹⁰⁵. This is pure falsehood. The Prophet's # marriage to Umm Ḥabībah took place when she was in Abyssinia as a *muhājirah*, and Abū Sufyān was still in Mecca long before the conquest. Abū Sufyān did not become Muslim until the night of the conquest of Mecca. And because the correct authentic narration from the Prophet is his saying, "We do not employ in our work anyone who desires it." We have narrated this from Abū Mūsā Al-Ash'arī, so the lie of 'Ikrimah Ibn 'Ammār's narration is certain and without any doubt. This narration does not cease to be of two options: either 'Ikrimah Ibn 'Ammār fabricated it, or he

¹⁰⁴ Şaḥīḥ Muslim 1479

¹⁰⁵ Şaḥīḥ Muslim 2501

¹⁰⁶ Şaḥīḥ al-Bukhārī 2261, 2923

took it from a liar who fabricated it, and then he made *tadlīs* of it to Abū Zumail. Both of these cases invalidate his 'adālah and nullify his narration.

Even if this narration would be authentic, which it is not, it would be a *ḥujjah* against them because there is in it that the verse of choice was revealed that day, and it opposes 'Umar's ra'ī and $istinb\bar{a}t$. So there is not in it — if it would be authentic — except that what 'Umar did $istinb\bar{a}t$ of did not mention the choice for them nor point to it.

Then, there is nothing in it except a matter that is apparent and *manṣūṣ*, from the *Qudrah* of Allāh to replace them with better women if they were divorced. This is something obvious that no Muslim is ignorant of—that Allāh is with him, the angels, and the believers—and this is something certain that every Muslim knows before 'Umar said it. This is not the *istinbāṭ* they make use of which we reject, namely deriving rulings without texts from Qur'ān and Sunnah, so their attachment to this narration is nullified entirely, and praise be to Allāh, Lord of the worlds.

As for *ra* 'ī, they argued in favor of its correctness by the saying of Allāh, the Almighty, "And consult them in the matter. And when you have decided, then rely upon Allāh" [Āl 'Imrān: 159].

And by His saying, "And whose affair is [determined by] consultation among themselves" [Ash-Shūrā: 38].

And from the authentic narration about the consultation of the Prophet $\stackrel{\text{\tiny def}}{=}$ with the Muslims regarding what they would do for the time of prayer before the call to prayer [$adh\bar{a}n$] was revealed. Some of them said fire, some said a horn, and some said a bell¹⁰⁷.

And they argue with the narration of Al-Zuhrī and he mentioned the narration of the consultation of the Prophet with his companions regarding fighting on the day of Ḥudaybiyyah. Al-Zuhrī said that Abū Hurairah said, "I have never seen anyone consult his companions more than the Messenger of Allāh."

And this is weak as it is *mursal*.

And it is narrated that Abd al-Raḥmān Ibn Abī Ḥusayn said, "The Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$ was asked about prudence, and he said, 'Consult a man of ra $\stackrel{\text{\tiny{de}}}{=}$, then proceed with what he advises you."

¹⁰⁷ Sunan Ibn Mājah 706

¹⁰⁸ Al-Jāmi' by Ibn Wahb 288, 1/399

¹⁰⁹ Al-Jāmi by Ibn Wahb 287, 1/399



And this narration is weak as it is *mursal*.

And they argue by what ' \bar{l} sā Al-Wāsiṭ \bar{l} said, "No servant was ever wretched due to consultation, nor was any servant ever happy by relying on his own ra' \bar{l} ."

This narration is weak as it is *Mu'dal* and 'Īsā Al-Wāsitī is weak.

'Amr Ibn Al-'Āṣ narrated, "Two disputants came to the Messenger of Allāh disputing, and he said to me, 'O 'Amr, judge between them.' I said, 'You are more worthy of this than me, O Prophet of Allāh.' He said, 'Even if that is the case.' I said, 'On what basis should I judge?' He said, 'If you judge correctly between them, you will have ten good deeds, and if you strive and err, you will have one good deed.'"

And this is weak as Faraj Ibn Faḍālah and Abū 'Umar Ḥafṣ Ibn Sulaymān are weak.

And it is narrated by the companions of Muʿādh, "The Messenger of Allāh when he intended to send Muʿādh to Yemen, said, 'How will you judge if a case is presented to you?' He said, 'I will judge by the Book of Allāh, the Almighty.' He said, 'And if you do not find it in the Book of Allāh?' He said, 'Then by the Sunnah of the Messenger of Allāh. "He said, 'And If you do not find it in the Sunnah of the Messenger of Allāh or in the Book of Allāh?' He said, 'I will strive with my own raʿī and will not fall short.' The Messenger of Allāh, then struck his chest and said, 'Praise be to Allāh who has guided the Messenger of Allāh to what pleases the Messenger of Allāh."

This is also weak we will clarify the weakness of this narration in detail in the chapter on the falsehood of $Qiy\bar{a}s$ in this book.

And it is Narrated by 'Alī ibn Abī Ṭālib, "I said, O Messenger of Allāh, "## there are new issues that occur to us where neither the Qur'ān has been revealed nor any Sunnah from you. He said, 'Gather the knowledgeable or the devout from the believers and make it a council [$sh\bar{u}r\bar{a}$] among you, and do not judge based on one ra ' $\bar{\imath}$ alone.'" alone.'"

This is weak as Sulaymān Ibn Bazīgh and Ibrāhīm Ibn Abī Al-Fayyāḍ are weak.

¹¹⁰ Al-Jāmi by Ibn Wahb 291, 1/402

¹¹¹ Musnad Ahmad 4/205 | Al-Mustadrak by Al-Hākim 7004, 4/99

¹¹² Sunan Abī Dāwūd 3592

¹¹³ Gharā ib Mālik 250, 1/67 | Al-Fiqh Wal-Mutafaqqih 519, 1/476

And what is narrated by Ibn Ghanm, "The Messenger of Allah, " when he went out to Banū Qurayza and al-Nadīr, Abū Bakr and 'Umar said to him, 'O Messenger of Allāh, the people are increased in their zeal for Islām when they see upon you a good attire of this world. So, look at the garment that Sa'd Ibn 'Ubādah gifted you and wear it, so that the polytheists may see today that you are dressed in a fine manner.' He said, 'I will do so, and by Allāh, if both of you agreed with me on a single matter, I would never disobey you in consultation [mushāwarah]. Verily, my Lord has set forth an example for me, and you two are likened to the angels, similar to Jibrīl and Mīkā'īl. As for Ibn al-Khattāb ['Umar], his likeness among the angels is like that of Jibrīl, for Allāh has never destroyed a nation except through Jibrīl. His likeness among the prophets is like that of Nūḥ, who said, 'My Lord, do not leave upon the earth from the disbelievers even a single dweller' [71:26]. And the likeness of Ibn Abī Quḥāfa [Abū Bakr] among the angels is like that of Mīkā'īl, as he seeks forgiveness for those on earth. His likeness among the prophets is like that of Ibrāhīm, who said, 'My Lord, indeed they have led astray many among the people. So whoever follows me, then he is of me; but whoever disobeys me, indeed, You are Forgiving and Merciful' [14:36]. If both of you agreed with me on one matter, I would never disobey you in consultation. However, your situation in consultation is like that of Jibrīl, Mīkā'īl, Nūḥ, and Ibrāhīm."114

This is weak as Abd Al-Ḥamīd Ibn Bahrām and Shahr Ibn Ḥawshab are weak and it is *mursal*.

And they have also argued by saying, " $Nus\bar{u}s$ have come indicating the obligation to obey the people in authority from among us in general, and this then encompasses obedience to their $ra\ \bar{\iota}$."

They have also said, "We have agreed on the obligation of appointing an $im\bar{a}m$ when the $im\bar{a}m$ dies, and there is no nass on a particular $im\bar{a}m$. So it is established that the $im\bar{a}m$ is appointed by $ra'\bar{i}$, and $im\bar{a}mah$ is from the foundations of the religion."

And from the companions they mentioned what is narrated by 'Abd al-Raḥmān ibn Yazīd, who said, "The people overwhelmingly sought 'Abd Allāh ibn Mas'ūd one day, then he said, 'There has come a time upon us where we neither passed judgment nor were we in such positions. Allāh has decreed that we have reached this state. Whoever among you faces a

¹¹⁴ Fawā'id by Al-Khal'ī 501, 1/390-391 | Tārīkh Dimashq by Ibn'Asākir 44/59-61



judgment, let him judge by what is in the Book of Allāh. If an issue comes that is not in the Book of Allāh, then let him judge by what the Prophet has judged. If an issue comes that is neither in the Book of Allāh nor in what the Prophet has judged, then let him judge by what the righteous have judged and let him strive to his best judgment, and let him say, 'I think, but I fear.' Verily, the permissible is clear and the forbidden is clear, and between them are doubtful matters. So, leave what causes you doubt for what does not cause you doubt.'"

And what is narrated by Abū Yazīd, "Ibn 'Abbās when he was asked about a matter, if it was in the Qur'ān, he would inform of it. If it was not in the Qur'ān but was from the Messenger of Allāh, he would inform of it. If it was not, then from Abū Bakr and 'Umar. If it was not, then he would speak according to his ra ' \bar{r} ." 116

And what is narrated from Al-Shaʿbī, "When 'Umar appointed Shurayḥ as a judge over Kūfah, he said to him, 'Look at what is clear to you from the Book of Allāh and follow it, and in what is clear from the Sunnah, follow it. If nothing is clear from the Sunnah, then exert your own reasoning [ijtihād] and give a ruling based on that."

And it is narrated from al-Sha'bī, "'Umar wrote to Shurayḥ, 'If something comes to you from the Book of Allāh, judge by it and do not let people turn you away from it. If something is not in the Book of Allāh, then judge by what is in the Sunnah of the Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$ If something comes to you that is neither in the Book of Allāh nor the Sunnah of the Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$, then judge by what the righteous leaders [*A'immah al-Hudā*] have judged. If it is neither in the Book of Allāh nor in the Sunnah of the Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$, nor has anyone spoken about it before you, then you have the choice: if you wish to exert your opinion, do so and proceed, and if you wish to delay it, delay it. And I do not see delaying it as anything but good for you."

This is everything they have which they attempt to use as a *ḥujjah*, and we do not know of anything else they have other than this, and none of it is *hujjah* for them in any way.

¹¹⁵ Al-Muşannaf by Ibn Abī Shaybah 22991, 22992, 4/544 | Al-Muʿjam Al-Kabīr 8920

¹¹⁶ Al-Mustadrak by Al-Hākim 439, 1/216 | Sunan Al-Dārimī 166

¹¹⁷ Sunan Al-Kubrā by Al-Nasā'ī 5944, 3/468

¹¹⁸ Sunan Al-Dārimī 168 | Sunan by Al-Bayhaqī 10/110-115



As for the saying of Allāh, "And consult them in the matter. And when you have decided, then rely upon Allāh. Indeed" [Āl 'Imrān: 159].

And His saying, "And whose affair is [determined by] consultation among themselves" [Ash-Shūrā: 38].

Then everyone that opposes us does not doubt that this matter is not part of the rulings of the religion [as we clarified before such matters are only about things that are permissible to do and permissible to leave, it is never about matters that are obligatory or prohibited].

If someone were to say that prayer was made obligatory based on ra \tilde{t} and consultation, or were to say that about fasting, hajj, or any other aspect of the religion, they are lying, fabricating and are disbelievers along with that.

And how can this be, when Allāh says, "And do not say about what your tongues assert of untruth, 'This is lawful and this is unlawful,' to invent falsehood about Allāh. Indeed, those who invent falsehood about Allāh will not succeed" [16:116].

And His saying, "Say, 'Have you seen what Allāh has sent down to you of provision, of which you have made [some] lawful and [some] unlawful?' Say, 'Has Allāh permitted you [to do so], or do you invent [something] about Allāh?'" [10:59].

And His saying, "Follow what has been revealed to you from your Lord, and do not follow other than Him any allies" [7:3].

Ans His saying, "These are the limits of Allāh, so do not transgress them." [2:229].

It is, therefore, certain that Allāh never gave the Companions the authority to make something permissible or prohibited. It is also certain that Allāh never ordered His Prophet to consult them in any matter of the religion, especially with His saying: "So by mercy from Allāh, "[O Muḥammad], you were lenient with them. And if you had been rude [in speech] and harsh in heart, they would have disbanded from about you. So pardon them and ask forgiveness for them and consult them in the matter. And when you have decided, then rely upon Allāh. Indeed, Allāh loves those who rely [upon Him]" [3:159].

It is then clear that Allāh did not make for the companions the authority to make the *ḥarām*, the *ḥalāl* and the *wājib*, so it is established that Allāh never ordered him to consult them [*mushāwarah*] in anything from the religion, especially with the saying of Allāh, "So pardon them and ask



forgiveness for them and consult them in the matter. And when you have decided, then rely upon Allāh" [Āl 'Imrān: 159].

So it is clear that the verse they tumult by does not imply the acceptance of their ra $\bar{\imath}$ at all; rather, All \bar{a} h referred the matter back to His Prophet regarding what he resolves, with reliance upon All \bar{a} h. How can a Muslim to get into such madness when All \bar{a} h says, "And know that among you is the Messenger of All \bar{a} h. If he were to obey you in much of the matter, you would surely be in difficulty" [Al-Ḥujur \bar{a} t: 7]?

Then can it be permissible to accept the $ra\bar{\tau}$ of a group of people who, if the Prophet were to obey them, it would result in hardship for them in most matters? How can it enter the mind of a rational person that the Prophet is obliged to obey his companions? This is pure disbelief and clear foolishness. Rather, it is obligatory for them to obey him, and their $\bar{\imath}m\bar{a}n$ is not valid except through that obedience. Allāh says, "But no, by your Lord, they will not [truly] believe until they make you, [O Muḥammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission" [4:65].

And then, the aspects of foolishness in this statement are obvious. And what would the situation be if they differed with him regarding the ruling. If someone says, 'It only applies if they are in agreement,' then we have entered into the discussion of $ijm\bar{a}$ ', and the argument about ra' $\bar{\imath}$ has been nullified. We have written enough about the claim of $ijm\bar{a}$ ', and praise be to All $\bar{a}h$ for that.

And also there is no difference between inventing a ruling through $ra\ \bar{\imath}$ — whether it be obligation, prohibition, or permissibility — that have no nass from Allāh or His Messenger s and abolishing a ruling that Allāh has established through His Messenger s based on $ra\ \bar{\imath}$. The one who differentiates between these two actions is falsely ruling and fabricating, and both are acts of kufr, without a doubt.

Therefore, it is certain that what Allāh ordered His Prophet sto consult them about, and what He praised them for being engaged in consultation over, was only in matters where they were permitted to act according to their own discretion [matters that are permissible to be done or left].

This includes consulting them about who should be appointed over such-and-such tribe, or which route among the tribes is better, easier, and safer for battle, or where they should set up camp. This is like when a person consults their neighbor about which tailor to give their garment to, or which color they think is best for them to dye it. Such matters do not go beyond this. The Companions may have had more knowledge of the routes and water sources than the Prophet did. However, as for what is taken from the religion, it can only come from revelation. No one, after the Prophet has any share in that, either alongside him or after him. Allāh is the One who grants success. So their false claims on these two verses is invalidated.

As for the consultation that took place before the revelation concerning the call to prayer $[adh\bar{a}n]$, it is the greatest hujjah against them. First, at that time, the matter was permissible, and everything they said was allowed, as there was no order of obligation or prohibition yet revealed regarding it. This is something we do not deny consulting about to this day. Then, the Prophet did not follow any of their ra \bar{i} but rather followed what was affirmed as correct by the $wah\bar{i}$, of was what shown to 'Abdullāh Ibn Zayd in his dream. If the Prophet had not ordered the $adh\bar{a}n$, it would not been permissible to use the dream of 'Abdullāh ibn Zayd or anyone else's dream. So it is clear that their ra \bar{i} — may Allāh be pleased with them — does not necessitate anything. Then how could the ra \bar{i} of those after them be obliging?

As for the narration from Abū Hurayrah: "I have never seen anyone who consulted his companions more than the Messenger of Allāh, " which follows Al-Zuhrī's mention of the Prophet "consulting his companions about fighting on the Day of Ḥudaybiyyah, this narration exactly our position.

And also, both narrations are *mursal*, as Al-Zuhrī never met Abū Hurayrah nor heard a single word from him. There is no denial that he consulted them regarding war strategies, their timing, and their delay.

As for the narration in which it is said: "What is prudent?" He replied: "To consult a person of ra $\bar{\imath}$, and then proceed with what they advise you," this is also *mursal*, and it is something the Prophet $\stackrel{\text{\tiny{de}}}{=}$ is far away from because two men of ra $\bar{\imath}$ can differ in their advice — which one would you follow? Allāh is exalted for the Prophet $\stackrel{\text{\tiny{de}}}{=}$ to utter such.

As for the narration, "No one is ever harmed by consultation," it is *mursal* and there is no *ḥujjah* in it. We do not deny consultation in matters



outside of religion, just as we vehemently deny and make *takfīr* upon anyone who consults whether or not to perform the five daily prayers or fast during Ramaḍān. We are certain that no Muslim ever disagrees with us on this.

As for the narration of 'Amr ibn al-'Āṣ, it is the greatest ḥujjah against them, because it states that a ḥākim who does ijtihād may make mistakes or be correct. Since this is the case, it is prohibited to rule with the mistakes in religious matters, and Allāh never permitted the implementation of mistakes. So their reliance on this is invalid.

As for the narration attributed to 'Alī, in which 'Alī Ibn Abī Ṭālib, "I said, O Messenger of Allāh, $\stackrel{\text{def}}{=}$ there are new issues that occur to us where neither the Qur'ān has been revealed nor any Sunnah from you. He said, 'Gather the knowledgeable or the devout from the believers and make it a council $[sh\bar{u}r\bar{a}]$ among you, and do not judge based on one ra ' \bar{i} alone.'"

This fabricated and false. It was never part of 'Alī's narration, nor the narration of Sa'īd ibn al-Musayyib, nor the narration of Yaḥyā ibn Sa'īd, nor of Mālik. It was never narrated by anyone from Mālik except Sulaymān ibn Yazī' al-Iskandarānī, who is *majhūl*.

By necessity it does not cease to be that he either fabricated it or transmitted it from someone who fabricated it. This is a narration which is not allowed for anyone to narrate, as lying is something no one is unable to among those who do not fear Allāh.

The certain decisive evidence of the falsehood and fabrication of this narration is that it is impossible for the Prophet to say a saying validating a ruling in the religion made valid by the people without there being Qur'ān for it nor a ruling from the Prophet on the matter. This opposes the saying of the Prophet which we have mentioned many times before, "Leave me so long as I leave you, for those before you were destroyed due to their excessive questioning and differing with their prophets. So, if I order you with anything, do from it as much as you can, and if I forbid you from something, avoid it."

And the saying of Allāh "This day I have completed for you your religion" [5:3].

So the Prophet excluded for which there is no *naṣṣ* with an order, a prohibition, recommendation or dislike leaving it in the permissibility, with no obligation, recommendation, prohibition, and dislike, hat was not explicitly ordered or prohibited, and he ordered us to leave (indulging) what



he did not order or prohibit, leaving it in the realm of pure permissibility. So it is impossible and against the 'aql for there to exist a situation without a ruling in the texts.

As for the narration of Ibn Ghanm, it has three calamities. First, it is that it is *mursal*. Second, 'Abdul Ḥamīd Ibn Bahrām is weak. Third, Shahr ibn Hawshab is *matrūk* as a narrator.

Even if it would be authentic, it would still not support their case, because it only involves accepting the ra $\bar{\imath}$ of Abū Bakr and 'Umar, and not anyone else's ra $\bar{\imath}$. And this opposes the actions of *ahl ul-ra* $\bar{\imath}$ today. Then the ra $\bar{\imath}$ of Abū Bakr and 'Umar was only accepted regarding wearing a certain garment, which is a permissible matter, and it does not prevent accepting the ra $\bar{\imath}$ of a servant, slave, or neighbor on such a matter if he wishes. And then there is in it difference from both of them, so then, clinging unto a thing, is invalidated by a ra $\bar{\imath}$, opposed by another ra $\bar{\imath}$.

As for their argument regarding the obligation to obey those in authority from among us, we have already clarified this in detail. It is clear that their ra $\bar{\imath}$ either contains a disagreement among them or not. If there is disagreement, then none of them have precedence over the others. If there is no disagreement, we have already clarified that claiming $ijm\bar{a}$ among those in authority is false and impossible. Additionally, Allāh's statement, "While the saying of Allāh "This day I have completed for you your religion" [5:3].

This invalidates all claims made that Allāh and his Messenger \cong Obliged us obedience to other than the $nus\bar{u}s$, or to that what opposes the nass, because it is a ruling from other than Allāh and his Messenger \cong or invalidating a ruling of Allāh and his Messenger , both are kufr, it is not possible for the scholars to gather on that $[ijm\bar{a}]$.

And *wahm* is possible in it from a group. So, it is evident that we have only been ordered to obey those in authority when they transmit to us what they have received from the Messenger of All $\bar{a}h$.

As for what they say regarding *imāmah*, the Prophet explicitly stated that the *a'immah* must be and are from the Quraysh and ordered us to uphold the *bay'ah* to the first one and cooperate in righteousness and piety, and to listen and obey those who lead us in accordance with the Book of Allāh. This description applies to any individual who possesses these qualities, and obedience to them is obligatory by the text of revelation. Since the Prophet was sent to all people until the Day of Judgment, there is no

significance to specific names being attached to particular individuals. And this is like the emancipation of slaves in expiation, any suffice, charity to the needy, any needy suffices, the sacrifice of animals, and the like from the remaining of rulings. And Allāh's order to the Children of Isrā'īl to sacrifice a cow, He did not specify any specific cow, nor are rulings tied to specific individuals. Instead what must be follow and understood is generality, that apply to all cases. Similarly, purification can be achieved with any type of water, as long as it is water, it is valid with any water that fulfills the conditions. And there is no difference in this from anyone, ra' \bar{t} is only false by making any rulings for which there is no text. So, their argument regarding ra' \bar{t} in that what has no na\$\$\frac{1}{2}\$ is invalidated, and their deception in relying on such ra' \bar{t} is evident.

Abū Muḥammad narrated, "We were told by Aḥmad ibn Muḥammad al-Ṭalamankī, who said, Aḥmad ibn 'Awn Allāh narrated to us, who said, Ibrāhīm ibn Aḥmad ibn Firās narrated to us, who said, Aḥmad ibn Muḥammad ibn Sālim al-Naysābūrī narrated to us, who said, Isḥāq ibn Rāhuyah narrated to us, who said: Sufyān ibn 'Uyaynah said, 'Exerting one's opinion [*ijtihād al-ra* 'ī] means consulting the people of knowledge, not that one speaks from his own ra 'ī.'"

And $ijtih\bar{a}d$ al-ra $\hat{\tau}$ (not mere ra $\hat{\tau}$ in the manner we described) is what occurred in the narrations of the companions by its own wording and it is also mentioned in the weak narration of Mu \hat{a} dh being sent to Yemen, it never meant mere ra $\hat{\tau}$.

And also, that what is in the weak narration of Muʿādh being sent to Yemen to use ra ʿī, they contradict and oppose it, for it is mentioned in it that one must judge first by what is in the Book of Allāh, and if not found in the Book of Allāh, then one must judge by the Sunnah of the Messenger of Allāh. Yet all of them oppose this, leaving the explicit text of the Qurʿān, either for an authentic <code>hadīth</code> or for a false narration, like how they left the wiping of the feet, which is explicitly in the Qurʿān, for a narration that mentioned washing, and how they left the bequest to parents and near relatives [as it is in the Qurʿān] because of a narration that says, "There is no bequest for an inheritor," and how they left the flogging of the adulterer, which is explicitly mentioned in the Qurʿān, for a false assumption that it was abandoned. And in this manner there are many. How is it possible for a person of religion to use as evidence something that he is the first one to oppose?

The certain decisive evidence for the falsity and falsehood of the narration of Mu \ddot{a} dh being sent to Yemen and to use $ra\ddot{\tau}$ is that it is absolutely impossible for the Messenger of Allāh \ddot{a} to say, "If you do not find it in the Book of Allāh nor in the Sunnah of the Messenger of Allāh," while he hears the words of his Lord, the Exalted, "Follow what has been sent down to you from your Lord [Al-A $\ddot{\tau}$ af: 3].

And His words, the Exalted, "This day I have completed for you your religion." [Al-Mā'idah: 3].

And His words, the Exalted, "And those are the limits [set by] Allāh. And whoever transgresses the limits of Allāh has certainly wronged himself" [Aṭ-Ṭalāq: 1].

And along with the well-established narration from the Prophet \cong prohibiting any judgment based on $ra'\bar{\iota}$ in religion, by his statement, "The people took ignorant heads, and they gave $fatw\bar{a}s$ [rulings] based on $ra'\bar{\iota}$, so they went astray and led others astray."

Then, even if it would be authentic, the meaning of his saying "I do *ijtihād* with my *ra* 'ī," would only mean, "I exhaust my effort until I see the truth in the Qur 'ān and the Sunnah, and I will continue to seek that forever."

Also, if it would be authentic, it would not be free from one of two possibilities: either it would be specific to Muʿādh alone, which would oblige them not to follow anyone's ra $\tilde{\tau}$ except Muʿādh's, and they do not say this; or it would be for Muʿādh and others, in which case everyone who exerts their ra $\tilde{\tau}$ has done what they were ordered to do. Since that is the case, everyone who does what they were ordered is correct, and none is more deserving of being right than another.

So based on this, the truth would lie in contradictions, which is contrary to their claim and contrary to the $ma'q\bar{u}l$. Instead, this is impossible from the apparent, and then, no one would have the right to support their claim with an argument, because their opponent has also exerted their $ra'\bar{\iota}$. There is nothing in the narration they rely upon anything more than $ijtih\bar{a}d$ of $ra'\bar{\iota}$, and nothing more.

So, they are not allowed to add any $tarj\bar{\imath}h$ that was not mentioned in the narration. And also, no one is more deserving than another in this matter, so all of us can exert their $ra'\bar{\imath}$, and those they follow are not more deserving than others.

¹¹⁹ Sahīh al-Bukhārī 100



And from the clear impossibilities is for the *juhhāl* to think—if the narration of Muʿādh would be authentic—that the Prophet would permit Muʿādh to make *ḥalāl* or make *ḥarām* based on his ra ī, or to impose the *wājib* and to invalidate the *wājib* based on his ra ī. This is something no Muslim would assume. There is absolutely nothing in the *sharīʿah* other than that. The Messenger of Allāh has made clear to us what is open to consultation and made a difference between it and from religion, as ʿĀʾishah narrated, "The Prophet heard some voices and said, 'What are these voices?' They said, 'They are pollinating the palm trees.' He said, 'If they do not do it, it would be fine.' So they stopped doing it, and the dates turned bad. They mentioned that to the Prophet , and he said, 'If it is something of your worldly affairs, then you know best, but if it is something of your religion, then it is up to me." he said.

Here 'Ā'ishah and Anas, left no ambiguity in their narration and informed that the Prophet $\stackrel{\text{\tiny def}}{=}$ made it known to us that we are more knowledgeable about what benefits us in our worldly affairs than he is. In such matters, he would consult his companions [in matters that are permissible to do and abandon]. They informed that the Prophet $\stackrel{\text{\tiny def}}{=}$ placed matters of our afterlife under his own authority, not under anyone else's. The matter of the afterlife is religion and the $shar\bar{t}$ 'ah alone, and he $\stackrel{\text{\tiny def}}{=}$ did not delegate this to anyone else.

So the ra \bar{i} of everyone is then invalid, and it is forbidden to speak based on ra \bar{i} in religion entirely, and with Allāh's help lies success. This clarifies the meaning of Allāh's saying, "And he does not speak from desire. It is nothing but a revelation revealed" [An-Najm: 3-4]. This refers only to matters of religion. Everything the Prophet # spoke of concerning prohibition, permission, or obligation is with certainty from Allāh.

As for other matters, they are as we have said, as in his statement when he was told that Safiyyah had her period, and he said, "Aqrā ḥalqā (May Allah afflicted it with an injury. May He afflict it with pain in its throat)" 121

¹²⁰ Al-Musnad by Al-Bazzār 6992, 13/355 | Sharḥ Al-Mushkil 1722, 4/424

¹²¹ Sahīh al-Bukhārī 1561

And as his saying, "I Have made an agreement with Allāh that if I curse or insult anyone without just cause, or strike someone, may it be a purification for them." 122

Similarly, his statement to Dhū al-Yadayn, "The prayer has not been shortened nor did I forget?"

This clarifies the invalidity of the claim of those who object to any of his sorders, speaking with the tongue of the people of disbelief who object to Islām. We seek refuge with Allāh from disgrace.

And it is attributed to Messenger of Allāh $\stackrel{\text{\tiny def}}{=}$ that he said, "Whoever speaks about the Qur'ān with his ra $^{\circ}\bar{\iota}$, let him take his abode in the Fire." ¹²³

And the Prophet said, "Allāh does not take away knowledge after having given it to the people by extracting it suddenly. Rather, He takes it away with the death of scholars who possess it, until ignorant people remain, who will be asked, and they will speak based on raʿī. Then they will go astray and lead others astray."

As for what they narrated from Ibn Mas \dot{u} as we mentioned about his statement, "So he should do *ijtihād* with his $ra \dot{\tau}$," this is not authentic.

This is because what Abū Muḥammad narrated, "Muḥammad Ibn Saʿīd ibn Nabāt told us: he said: Aḥmad Ibn ʿAwnullāh told us: Qāsim Ibn Aṣbagh told us: Muḥammad Ibn ʿAbd al-Salām al-Khushanī told us: Muḥammad Ibn Bashār told us: Muḥammad Ibn Abī ʿAdī told us: Shuʿbah told us: al-Aʿmash told us: from ʿUmārah Ibn ʿUmayr from Ḥurayth ibn Zuhayr, al-Aʿmash said: I think he said: Ibn Masʿūd said, "There was a time when we were not asked, and we were not there..." Then he mentioned the narration as we mentioned before.

This makes it clear that al-A'mash was doubtful if it was from Ibn Mas' \bar{u} d or not. Then, even if it would be authentic, then the meaning of: "Let him do $ijtih\bar{a}d$ with his $ra'\bar{\iota}$," means: let him exert himself until he sees the Sunnah in the matter. This is clarified by his own statement in the same narration: "And let him not say: I fear and I think," so he prohibited him from saying "I think," which is a prohibition against giving $fatw\bar{a}$ based on opinion.

¹²² Şaḥīḥ Muslim 2601

¹²³ Tuhfah Al-Ashrāf 4/423

¹²⁴ Sahīh al-Bukhārī 100, 7307 | Sahīh Muslim 2673

¹²⁵ Sunan Al-Nasā'ī 8/230 | Sunan Al-Dārimī 165



Likewise, his own saying: "Leave what causes you doubt for what does not cause you doubt. Indeed, the $hal\bar{a}l$ is clear, and the $har\bar{a}m$ is clear, and between them are doubtful matters," this is merely an instruction to be fearful and seek clarity.

As for the narration from 'Umar, it explicitly gives the choice between exerting one's ra ' $\bar{\imath}$ or abstaining, and 'Umar saw that abstaining was better for him, which confirms that he did not consider giving opinions based on mere ra ' $\bar{\imath}$ to be correct, because for the truth there is no choice for anyone to abandon it (it must always be accepted). And then, they are in opposition to what we mentioned earlier about them not beginning with the seeking of rulings with the Qur' \bar{a} n, exactly as it is mentioned in that narration, but rather, they leave the Qur' \bar{a} n for what is authentic and what is not from the Sunnah. This contradicts the order of 'Umar in that narration, so how can they use something as evidence when they are the first to oppose it? And also, the apparent meaning of that narration is that it is disconnected.

As for the narration from 'Ubaydullāh Ibn Abī Yazīd from Ibn 'Abbās, it does not contain any indication that Ibn 'Abbās conveyed this from himself or that he ordered it. So it is merely an assumption from 'Ubaydullāh. What is authentically narrated from Ibn 'Abbās is his prohibition against *taqlīd* of Abū Bakr and 'Umar. And in how many issues did they oppose Ibn Mas'ūd, 'Umar, and Ibn 'Abbās? If this had been authentic from them, it would be just like other cases in which they contradicted them. No ruling of theirs is more deserving to be made *taqlīd* of than any other, such as what is authentically narration from 'Umar, Ibn Mas'ūd, and Ibn 'Abbās, that whoever partakes in *suḥūr* and thinks it is still night only to find out it is day, his fast is valid, or like their ruling on the young rabbit. There are many such examples.

As for what they narrated from some of the Companions about giving $fatw\bar{a}$ based on $ra\ \bar{\imath}$, then those who gave $fatw\bar{a}$ did so based on their $ra\ \bar{\imath}$ as a form of informing or reconciliation, not as a definitive ruling or something binding upon anyone, not an obligation.

So our opponents said, "They only blamed the ra $\bar{\imath}$ that was given without any foundation. As for the ra $\bar{\imath}$ that they ruled by, it was a ra $\bar{\imath}$ returned to what is similar to it from the Qur $\bar{\imath}$ an or Sunnah."

We say: This is a mere claim from you. If you can find any statement from one of them authenticating such a distinction, then you have a case.

Otherwise, you have lied about them. So we investigated and found that none of the Companions ever made a distinction between a ra $\bar{\imath}$ based on what is similar to the Qur $\bar{\imath}$ and Sunnah and other ra $\bar{\imath}$, except in one fabricated letter attributed to 'Umar. What we find is that their criticism of ra $\bar{\imath}$ is general, and they ruled according to what we mentioned.

Abū Muḥammad narrated, "Muḥammad Ibn Saʿīd ibn Nabāt narrated to us: Aḥmad ibn ʿAwnullāh told us: Qāsim ibn Aṣbagh told us: Muḥammad ibn ʿAbd al-Salām al-Khushanī told us: Muḥammad ibn al-Muthannā told us: ʿAbd al-Raḥmān ibn Mahdī told us: Sufyān al-Thawrī told us: from Abū Isḥāq al-Sabīʿī from Ḥārithah ibn Muḍarib, he said, 'Some people from Syria came to 'Umar ibn al-Khaṭṭāb and said, 'We have acquired wealth, horses, and slaves, and we wish to purify them with <code>zakāh</code>.' 'Umar said, 'What my two companions did before, I will do.' He consulted the Companions of Muḥammad , and 'Alī said, 'It is good, as long as it is not taken as a <code>jizyah</code> [otherwise] they [might] take it as a fixed thing after you.'"

This is exactly what we said: they did not see what they ruled by as a fixed matter, when they use ra \bar{i} they never oblige acceptance and do not attribute it to the religion.

And also we have transmitted from the companions and others that are more authentic on the falsehood of ra $\bar{\imath}$, than what they used to riot. We do not present these narrations from the words of the companions as a hujjah, because hujjah is only in the Messenger of Allāh a or in certain decisive $ijm\check{a}$. Rather, we present them to compel them [make $ilz\bar{a}m$ on them] with the very thing they sought to imply against us with, and they are implied to them because they use the exact same as hujjah.

Abū Muḥammad narrated, "Ahmed ibn 'Umar narrated to us: Abū Dharr al-Harawī narrated to us; 'Abd Allāh ibn Ahmed al-Sarkhasī narrated to us; Ibrāhīm ibn Khuzaym narrated to us; 'Abd ibn Ḥumayd narrated to us; Abū Usāmah narrated to us from Nāfī' ibn 'Umar al-Jumaḥī, from Ibn Abī Mulaykah, who said: Abū Bakr al-Ṣiddīq said, 'Which land will protect me and which sky will cover me if I say about a verse from the Book of Allāh anything other than what He intended and say about the book of Allāh by my ra 7?" ra

Abū Muḥammad narrated, "Al-Muhallab narrated to us from Ibn Manās: Muḥammad ibn Masrūr narrated to us; Yūnus ibn 'Abd al-A'lā

¹²⁶ Musnad Abī 'Awanah 1973 | Musnad by Al-Bazzār 257



narrated to us; Ibn Wahb narrated to us; Yūnus ibn Yazīd informed me, from Ibn Shihāb, from 'Umar ibn al-Khaṭṭāb who said while on the pulpit, 'O people, ra ' $\bar{\imath}$ was only correct when it came from the Messenger of Allāh \cong because Allāh, the Mighty and Majestic, would show him [the truth], and for us, it is merely conjecture." 127

And the same $isn\bar{a}d$ up to Ibn Wahb, "From 'Abd Allāh ibn 'Ayyāsh, from Ibn 'Ajlān, from 'Abd Allāh ibn 'Umar ibn al-Khaṭṭāb who said, 'Avoid ra ' \bar{t} in your religion!""¹²⁸

Abū Muḥammad narrated, "Al-Namarī wrote to me: Aḥmad ibn 'Abd Allāh ibn Muḥammad ibn 'Alī al-Bājī and 'Abd Allāh ibn Muḥammad ibn Yūsuf al-Azdī al-Qāḍī narrated to us; Ahmed said: My father narrated to us; and the judge said: Sahl ibn Ibrāhīm narrated to us. 'Abd Allāh al-Bājī and Sahl both said: Ahmed ibn Futiys narrated to us; Ahmed ibn Yaḥyā al-Awdī al-Ṣūfī narrated to us; 'Abd al-Raḥmān ibn Shurayk narrated to us; my father narrated to me, from Mujālid, from al-Sha'bī, from 'Amr ibn Ḥurayth, who said: 'Umar ibn al-Khaṭṭāb said, 'Beware of the people of ra'ī, for they are the enemies of the Sunnah. The $ahād\bar{u}th$ overwhelmed them, so they spoke with their ra'ī, and thus they went astray and led others astray.'"¹²⁹

Abū Muḥammad narrated, "Al-Namarī wrote to me: Muḥammad ibn Khalīfah narrated to us; Muḥammad ibn al-Ḥusayn al-Baghdādī narrated to us; Abū Bakr ibn Abī Dāwūd narrated to us; Muḥammad ibn 'Abd al-Mālik al-Qazzāz narrated to us; Abū Maryam narrated to us; Nāfi' ibn Yazīd narrated to us, from Ibn al-Hād, from Muḥammad ibn Ibrāhīm who said, 'Umar ibn al-Khaṭṭāb said, 'Beware of opinion, for the people of opinion are the enemies of the Sunnah. The aḥādīth overwhelmed them, so they could not understand them, and they slipped from their grasp to memorize them, so they relied on their opinion in religion.""

Abū Muḥammad narrated, "Al-Muhallab narrated to us from Ibn Manās: Ibn Masrūr narrated to us; Yūnus ibn 'Abd al-A'lā narrated to us, from Wahb, who informed me, from Ibn Lahī'ah, from Ibn al-Hād, from Muḥammad ibn Ibrāhīm al-Taymī that 'Umar ibn al-Khaṭṭāb said: 'The people of ra ' \bar{l} have become the enemies of the Sunnah. It was too difficult for

¹²⁷ Sunan Abī Dāwūd 3586

¹²⁸ Al-Madkhal by Al-Bayhaqī 210 | Al-Jāmi' by Ibn 'Abd al-Barr 1035

¹²⁹ Al-Jāmi 1034



them to understand and too elusive for them to memorize, so they relied on their opinion."

'Alī ibn Abī Ṭālib said, "If religion would be based on ra 'ī, then wiping the bottom of the leather socks would be more appropriate than wiping the top of them. While I have seen the Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$ wipe over the tops of his leather socks." ¹³⁰

Abū Muḥammad narrated, "'Abd Allāh ibn Rabī' narrated to us from 'Abd Allāh ibn Muḥammad ibn 'Uthmān: Ahmed ibn Khālid narrated to us; 'Alī ibn 'Abd al-'Azīz narrated to us, from al-Ḥajjāj ibn al-Minhāl, who said: Ḥammād ibn Salamah narrated to us, from Qatādah, who said, ''Alī said, 'Judgment [qadā'] is of three types: A man who judges falsely on purpose, he is in the Fire; a man who does *ijtihād* by his ra'ī and is mistaken, l he is in the Fire; and a man who does *ijtihād* and is correct, he is in Paradise.""

Abū Muḥammad narrated, "Ḥumām ibn Aḥmad narrated to us, Abū Muḥammad al-Bājī narrated to us, 'Abd Allāh ibn Yūsuf narrated to us, Baqī ibn Makhlad narrated to us, Abū Bakr ibn Abī Shaybah narrated to us, Shabābah ibn Sawwār narrated to us from Shu'bah, from Qatādah, who said: I heard Rafī' Abū al-'Āliyah say: 'Alī ibn Abī Ṭālib said, 'Judges are of three types: two are in the fire, and one is in paradise. A man who is unjust intentionally, and he is in the fire. A man who intended the truth but erred, and he is in the fire. A man who intended the truth and got it right, and he is in paradise.' Qatādah said: I asked Abū al-'Āliyah, 'What do you say about the one who intended the truth but erred?' He said, 'If he did not know judgment, his right was not to be a judge.'"¹³¹

Abū Muḥammad narrated, "Aḥmad ibn Muḥammad al-Ṭalamankī narrated to us, Ibn Mufarrij narrated to us, Ibrāhīm ibn Aḥmad ibn Firās narrated to us, Muḥammad ibn 'Alī ibn Zayd narrated to us, Sa'īd ibn Manṣūr narrated to us, Faraj ibn Faḍālah narrated to us from Mālik ibn Ziyād, who said: I heard 'Urāk ibn Mālik, and 'Umar ibn 'Abd al-'Azīz said to him, 'O 'Urāk, what is your saying about the judges?' He replied, 'O Commander of the Faithful, the judges are three: A man who was appointed to judge but has no knowledge of judgment, so he makes ḥalāl the ḥarām and makes ḥarām the ḥalāl, and he is in the fire with his head down. A man who was appointed to judge and has knowledge of judgment but followed his desire and left the

¹³⁰ Sunan Abī Dāwūd 162, 163 | Al-Muṣannaf by Ibn Abo Shaybah 1895, 1/165

 $^{^{131}}$ Al-Musannaf by Ibn Abī Shaybah 22963, $4/540\,|$ Al-Sunan by Al-Bayhaqī 10/117



truth, and he is in the fire with his head down. And a man who was appointed to judge, has knowledge of judgment, followed the truth, and left his desire, and he remains upright as long as he is upright, but if he deviates, he will follow the path of his companions."

And these words have also been narrated from the Messenger of Allāh, the same *isnād* till: Saʿīd ibn Manṣūr narrated from Khalaf ibn Khalāfah, who narrated to us from Abū Hāshim, who said: "If it were not for the narration of Ibn Buraydah from his father, that the Messenger of Allāh said, 'Judges are three: two are in the fire, and one is in paradise. A man who knew the truth and judged by it, he is in paradise. A man who judged among people with ignorance, he is in the fire. A man who knew the truth but acted unjustly, he is in the fire.' Then we would have said that if a judge does *ijtihād* there is nothing upon him [for making a mistake]." 132

And the same from 'Umar ibn al-Khaṭṭāb, all through the same isnād till Saʿīd ibn Manṣūr he narrated from Yaʿqūb ibn 'Abd al-Raḥmān al-Zuhrī, from Mūsā ibn 'Uqbah, who said: 'Umar ibn al-Khaṭṭāb delivered a sermon at al-Jābiyah and mentioned the sermon in which he said: "There is no excuse for someone who perishes intentionally following misguidance thinking it is guidance, or abandoning the truth thinking it is misguidance."

This is not contradictory to the saying of the Prophet: "If the judge strives [in $ijtih\bar{a}d$] and errs, he has a reward," because this [the aforementioned] refers to one who does not know the truth, and everything we have mentioned refers to one who knew the truth but persisted, assuming he was correct, favoring his false assumption over the certainty that came to him from guidance and light.

And till Saʿīd ibn Manṣūr, Khālid ibn ʿAbd Allāh narrated to us from Abū Sinān, from Saʿīd ibn Jubayr, from Ibn ʿAbbās, who said: "Whoever gives a *fatwā* in ignorance and someone acts upon it, then the sin is upon them both, meaning: He makes a mistake in it and the one who takes it from him makes a mistake."

Abū Muḥammad narrated, "'Abd Allāh ibn Rabī' al-Tamīmī narrated to us, Muḥammad ibn Aḥmad ibn Mufarrij narrated to us, Sa'īd ibn al-Sakan narrated to us, al-Farabrī narrated to us, al-Bukhārī narrated to us, Mūsā ibn Ismā'īl narrated to us, Abū 'Awānah narrated to us from al-A'mash, from Abū Wā'il, who said: Sahl ibn Ḥunaīf said, 'O people, accuse your opinions

¹³² Sunan Abī Dāwūd 3573 | Sunan Al-Kubrā by Al-Nasā'ī 5922, 3/299

[of being wrong] when it comes to your religion. I have seen myself on the day of Abū Jandal, and if I could have reversed the command of the Messenger of Allāh, *I would have done so."

Abū Muḥammad said, "'Abd Allāh ibn Yūsuf narrated to us, Aḥmad ibn Fatḥ narrated to us, Abū al-'Alā' 'Abd al-Wahhāb ibn 'Īsā narrated to us, Aḥmad ibn Muḥammad narrated to us, Aḥmad ibn 'Alī narrated to us, Muslim ibn al-Ḥajjāj narrated to us: Ibrāhīm ibn Sa'īd al-Jawharī narrated to us, Abū Usāmah narrated to us from Mālik ibn Mughawil, from Abū Ḥuṣayn, from Abū Wā'il Shaqīq ibn Salamah, who said: I heard Sahl ibn Ḥunaif at Ṣiffīn saying, 'Accuse your opinions [of being wrong] when it comes to your religion, for I have seen myself on the day of Abū Jandal, and if I could have reversed the command of the Messenger of Allāh ﷺ I would have done so."

Ḥumām ibn Aḥmad narrated to us, Abū Muḥammad al-Bājī narrated to us, 'Abd Allāh ibn Yūsuf narrated to us, Baqī ibn Makhlad narrated to us, Abū Bakr ibn Abī Shaybah narrated to us, Shabābah ibn Sawwār narrated to us from Shu'bah, from Qatādah, who said: I heard Rafī' Abū al-'Āliyah say: 'Alī ibn Abī Ṭālib said: "Judges are of three types: two are in the fire, and one is in paradise. A man who is unjust intentionally, and he is in the fire. A man who intended the truth but erred, and he is in the fire. A man who intended the truth and got it right, and he is in paradise." Qatādah said: I asked Abū al-'Āliyah: "What do you say about the one who intended the truth but erred?" He said: "If he did not know judgment, his right was not to be a judge."

Aḥmad ibn Muḥammad al-Ṭalamankī narrated to us, Ibn Mufarrij narrated to us, Ibrāhīm ibn Aḥmad ibn Firās narrated to us, Muḥammad ibn ʿAlī ibn Zayd narrated to us, Saʿīd ibn Manṣūr narrated to us, Faraj ibn Faḍālah narrated to us from Mālik ibn Ziyād, who said: I heard ʿUrāk ibn Mālik, and ʿUmar ibn ʿAbd al-ʿAzīz said to him: "O ʿUrāk, what is your opinion about the judges?" He replied: "O Commander of the Faithful, the judges are three: A man who was appointed to judge but has no knowledge of judgment, so he permits the unlawful and forbids the lawful, and he is in the fire with his head down. A man who was appointed to judge and has knowledge of judgment but followed his desire and left the truth, and he is in the fire with his head down. And a man who was appointed to judge, has knowledge of judgment, followed the truth, and left his desire, and he remains



upright as long as he is upright, but if he deviates, he will follow the path of his companions."

This has also been narrated from the Messenger of Allāh, # as we have narrated through the same mentioned authentic $isn\bar{a}d$ till Saʿīd ibn Manṣūr, who narrated from Khalaf ibn Khalīfah, who narrated to us from Abū Hāshim, who said: "If it were not for the $had\bar{i}th$ of Ibn Buraydah from his father, that the Messenger of Allāh # said: 'Judges are three: two are in the fire, and one is in paradise. A man who knew the truth and judged by it, he is in paradise. A man who judged among people with ignorance, he is in the fire. A man who knew the truth but acted unjustly, he is in the fire.' Then we would have said that if a judge strives [in $ijtih\bar{a}d$], there is nothing upon him [for making a mistake]."

And from 'Umar ibn al-Khaṭṭāb, as we have narrated through the mentioned same <code>isnād</code> to Saʿīd ibn Manṣūr, who narrated from Yaʿqūb ibn 'Abd al-Raḥmān al-Zuhrī, from Mūsā ibn 'Uqbah, who said: 'Umar ibn al-Khaṭṭāb delivered a sermon at al-Jābiyah and mentioned the sermon in which he said: "There is no excuse for someone who perishes intentionally following misguidance thinking it is guidance, or abandoning the truth thinking it is misguidance."

And also from the same *isnād* till Saʿīd ibn Manṣūr, and he narrated: Khālid ibn ʿAbd Allāh narrated to us from Abū Sinān, from Saʿīd ibn Jubayr, from Ibn ʿAbbās, who said: "Whoever gives a *fatwā* in ignorance and someone acts upon it, then the sin is upon them both, meaning: He makes a mistake in it and the one who takes it from him makes a mistake."¹³³

Sahl ibn Ḥunaif said: "O people, accuse your ra $\bar{\imath}$ when it comes to your religion. I wish you had seen me on the day of Abū Jandal. If I was able to disobey the Prophet \cong 's orders, I would have done so."¹³⁴

Abū Muḥammad narrated, "Aḥmad ibn 'Umar narrated to us, Abū Dharr narrated to us, 'Abdullāh ibn Aḥmad narrated to us, Ibrāhīm ibn Khuzaym narrated to us, 'Abd ibn Ḥumayd narrated to us, Ḥasan ibn 'Alī al-Ju'fī from Zā'idah, from Layth, from Bakr, from Sa'īd ibn Jubayr, from Ibn 'Abbās, who said, 'Whoever speaks about the Qur'ān based on his ra 'ī, let him prepare his abode in Hell.'"

¹³³ Al-Musnad by Isḥāq 335, 1/341

¹³⁴ Sahīh al-Bukhārī 3181

Abū Muḥammad narrated, "Al-Muhallab narrated to us, Ibn Manās narrated to us, Ibn Masrūr narrated to us, Yūnus ibn 'Abd al-A'lā narrated to us, Ibn Wahb narrated to us, and he informed me that Bishr ibn Bakr from al-Awzā'ī from 'Abdah ibn Abī Labābah from Ibn 'Abbās, who said, 'Whoever brings forth a ra 'ī that is not in the Book of Allāh the Almighty, nor has a non-abrogated Sunnah of the Messenger of Allāh , does not know on what he is standing when he meets Allāh the Almighty.'"

Abū Muḥammad narrated, "Yūnus ibn 'Abdullāh the judge narrated to us, Aḥmad ibn 'Abdullāh ibn 'Abd al-Raḥīm narrated to us, Aḥmad ibn Khālid narrated to us, Muḥammad ibn 'Abdullāh al-Khushanī narrated to us, Muḥammad ibn Bashār narrated to us, Yūnus narrated to us, 'Ubayd al-'Umrī narrated to us, Mubārak ibn Faḍālah narrated to us, from 'Ubaydullāh ibn 'Umar, from Nāfī', from Ibn 'Umar, from 'Umar, who said, 'O people, accuse your opinions in the matter of religion, for I have seen myself clearly rejecting the order of the Messenger of Allāh with my own ra 'ī, striving with all my effort—and by Allāh, I was not able to—and that was on the day of Abū Jandal, while the document was being written. He said, 'Write: In the name of Allāh, the Most Merciful, the Most Compassionate,' and they [the Quraysh] said, 'Write: In the Name Of Allāh,' and the Messenger of Allāh agreed, but I refused. He said, 'O 'Umar, you see me satisfied and yet you refuse!'" 136

The narrations from Abū Bakr, 'Alī, Sahl, Ibn 'Abbās, and those that follow from 'Umar and Ibn Mas'ūd are authentic. They have no way of bringing forth a narration from a Companion in which they affirm giving $fatw\bar{a}$ based on ra' $\bar{\imath}$ and declaring it correct. If, one day, a verdict based on ra' $\bar{\imath}$ is found from any of them, then there is no other way than there is also found from them disavowal of ra' $\bar{\imath}$, as.

'Alqamah narrated, "A group came to 'Abdullāh ibn Mas'ūd and said, 'A man from among us married a woman without stipulating a dowry, and he did not consummate the marriage with her before he died.' 'Abdullāh said: 'I have not been asked anything since I departed from the Messenger of Allāh stat weighs heavier upon me than this. Go to someone else.' They persisted with him on the issue for a month. Then they said to him at the end: 'Whom shall we ask, while you are the companion of the Messenger of Allāh

¹³⁵ Sunan Al-Dārimī 158 | Dhamm Al-Kalām 272

 $^{^{136}}$ Al-Mu'jam Al-Kabīr 82, 1/26-27 | Al-Musnad by Al-Bazzār 148, 1/253-254

in this town, and we do not find this matter with you?' He said: 'I will say in this matter with ra ' $\bar{\imath}$ of my effort. If it is correct, then it is from All \bar{a} h, the One with no partner, and if it is wrong, then it is from me and from Shayt \bar{a} n, and All \bar{a} h and His Messenger are free from it.' Then he mentioned the rest of the narration, and at the end, it was mentioned that 'Abdull \bar{a} h was informed of the Sunnah from the Prophet that coincided with his verdict, and no day was 'Abdull \bar{a} h seen more joyful than that day, except for the day of his conversion to Isl \bar{a} m."

And with the same *isnād* till Aḥmad ibn Shuʿayb, he narrated from ʿAbdullāh ibn Muḥammad ibn ʿAbd al-Raḥmān al-Zuhrī narrated to us, Abū Saʿīd ʿAbd al-Raḥmān ibn ʿAbdullāh narrated to us from Zāʾidah, from Manṣūr, from Ibrāhīm, from ʿAlqamah and al-Aswad, who said, "ʿAbdullāh ibn Masʿūd was asked about a man who married a woman without stipulating a dowry and passed away before consummating the marriage. 'Abdullāh said: 'Ask [me] do you find any narration about this,' and then he mentioned the rest of the narration."

Abū Muḥammad narrated, "Muḥammad ibn Saʿīd ibn Nabāt narrated from 'Abdullāh ibn Muḥammad ibn Qāsim al-Qulaʿī: Muḥammad ibn Aḥmad al-Ṣawwāf narrated to us, Bishr ibn Mūsā ibn Ṣāliḥ al-Asadī narrated to us, 'Abdullāh ibn al-Zubayr al-Ḥumaydī narrated to us, Sufyān ibn 'Uyaynah narrated to us from al-Aʿmash, from Muslim ibn Ṣubayḥ, who is Abū al-Duḥā, from Masrūq, who said, 'Abdullāh ibn Masʿūd said: 'O people, whoever knows something must speak about it, and whoever does not know must say, 'I do not know,' that is from the knowledge of the man and Allāh has said to His Prophet, 'É'Say: I do not ask you for any reward, nor am I of those who pretend'" [38:86].

This narration the peak of authenticity. Everything we have narrated so far from Ibn 'Umar, Ibn Mas'ūd, and Ibn 'Abbās clarifies their meaning when they said, "Let him do $ijtih\bar{a}d$ in his ra' \bar{i} ," if that would be authentically attributed to them. And it is not about speaking about the religion with ra' \bar{i} , but rather exerting oneself to seek the truth in the Qur' \bar{a} n and the Sunnah till they see the truth in the Qur' \bar{a} n and Sunnah.

Abū Muḥammad narrated, "Ḥumām narrated to us, al-Bājī narrated to us, 'Abdullāh ibn Yūnus narrated to us, Baqī ibn Makhlad narrated to us, Abū Bakr ibn Abī Shaybah narrated to us, Yazīd ibn Hārūn narrated to us,

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¹³⁷ Sunan Abī Dāwūd 2116

Ḥammād ibn Salamah narrated to us from Qatādah that Abū Mūsā al-Ashʿarī said: 'A judge must not pass judgment until the truth becomes as clear to him as the difference between night and day.' When this reached 'Umar ibn al-Khaṭṭāb, he said: 'He spoke the truth.'"¹³⁸

This clarifies that they did not allow issuing speaking about the religion based on ra \bar{i} , which is nothing more than conjecture, and it clarifies that they believed that any *khabar al-wāḥid* obliges knowledge and certainty.

Abū Muḥammad narrated, "Muḥammad ibn Saʿīd ibn Nabāt narrated to us, Aḥmad ibn ʿAbd al-Baṣīr narrated to us, Qāsim ibn Aṣbagh narrated to us, Muḥammad ibn ʿAbd al-Salām al-Khushanī narrated to us, Muḥammad ibn al-Muthannā narrated to us, Muʾammal ibn Ismāʿīl al-Ḥimyarī narrated to us, Sufyān al-Thawrī narrated to us, Abū Isḥāq al-Shaybānī narrated to us from Abū al-Ḍuḥā from Masrūq, who said, 'A scribe wrote for 'Umar ibn al-Khaṭṭāb: 'This is what Allāh and 'Umar have decreed.'' 'Umar said: 'What an evil thing you have said. If it is correct, then it is from Allāh, and if it is wrong, then it is from 'Umar.'"

Abū Muḥammad narrated, "Yūnus ibn 'Abdullāh narrated to us, Aḥmad ibn 'Abdullāh ibn 'Abd al-Raḥīm narrated to us, Aḥmad ibn Khālid narrated to us, Muḥammad ibn 'Abd al-Salām al-Khushanī narrated to us, Muḥammad ibn Bashshār narrated to us, Yaḥyā ibn Sa'īd al-Qaṭṭān narrated to us, from Mujālid, from al-Sha'bī, from Masrūq, he said that 'Abdullāh ibn Mas'ūd said, 'The scholars will pass away, and people will remain who speak with their ra 'ī.' Al-Sha'bī said, 'May Allāh curse [the saying]: Tell me what you think.'"¹³⁹

By Allāh, none of the Companions of the Prophet $\stackrel{\text{\tiny def}}{=}$ ever gave a $fatw\bar{a}$ based on the $ijtih\bar{a}d$ of his ra $\bar{\imath}$ except as you see; after searching for the Sunnah but it is hidden from him while it is with someone else, without a doubt. Then he does not base his ra $\bar{\imath}$ on that except out of fear of Allāh and apprehension from it, and he frees himself from obliging it. And likewise, the $T\bar{a}bi$ $\bar{\imath}un$, may Allāh have mercy on them. But today, there are people who make it a religion by which they invalidate the words of Allāh and the words of His Messenger. $\stackrel{\text{\tiny def}}{=}$ We seek refuge in Allāh from being forsaken.

We have also narrated likewise from Ibn 'Umar.

¹³⁸ Sunan Al-Bayhaqī 10/116

¹³⁹ Al-Jāmi' by Ibn 'Abd al-Barr 2/71-72

As Abū Muḥammad narrated, "Al-Muhallab narrated to us, Ibn Manās narrated to us, Ibn Masrūr narrated to us, Yūnus ibn 'Abd al-A'lā narrated to us, Ibn Wahb informed me, 'Umar ibn al-Ḥārith informed me that 'Amr ibn Dīnār informed him that 'Abdullāh ibn 'Umar, when something did not reach him in a matter he was asked about, would say, 'If you wish, I can tell you based on *zann*.' 'Amr ibn Dīnār said, 'Ṭāwūs informed me of this from him.'"

This is an *isnād* which is in the utmost authenticity.

Abū Muḥammad narrated, "Yūnus ibn 'Abdullāh narrated to us, 'Yaḥyā ibn Mālik ibn 'Ā' idh narrated to us, 'Abd al-Raḥmān ibn Ismā'īl Abū 'Īsā al-Khashshāb narrated to us, Abū Ja' far Aḥmad ibn Muḥammad ibn Salāma al-Ṭaḥāwī narrated to us, Yūnus ibn 'Abd al-A' lā narrated to us, Ibn Wahb narrated to us, 'Umar ibn al-Ḥārith narrated to me, he said: 'Amr ibn Dīnār said to me, Ṭāwūs informed me from Ibn 'Umar, that when he was asked about something and nothing reached him in it, he would say, 'If you wish, I can tell you based on zann.'"

Abū Muhammad narrated, "Yūsuf ibn 'Abd al-Barr al-Namarī wrote to me and said: 'Abū Yūsuf Ya'qūb ibn Shayba mentioned to me, Muḥammad ibn Ḥātim ibn Maymūn narrated to me, Yaʻqūb ibn Ibrāhīm ibn Saʻd al-Zuhrī narrated to me, his father narrated to him from Ibn Ishāq, who narrated to me from Yaḥyā ibn 'Abbād ibn 'Abbād ibn 'Abdullāh ibn al-Zubayr, from 'Abdullāh ibn al-Zubayr, who said: "By Allāh, I was with 'Uthmān ibn 'Affān at al-Juhfa, and with him were a group of people from Shām, among them Habīb ibn Maslama al-Fihrī. 'Uthmān mentioned to him the tamattu' of 'Umrah to Hajj, and said: 'Complete the Hajj and make it exclusive in the months of *Ḥajj*, for if you were to delay this 'Umrah until you visit this House twice, it would be better, for Allah has expanded in goodness.' 'Alī said to him: 'You have deliberately gone against the Sunnah of the Messenger of Allāh and the concession Allāh has given to the servants in His Book, making it difficult for them while it was meant for those in need and those far from the House.' Then 'Alī performed both 'Umrah and Hajj together. 'Uthman turned to the people and said: 'Have I prohibited it? I have not prohibited it. It was only a ra 7 I suggested, so whoever wants to take it may take it, and whoever wishes to leave it may leave it."

Abū Muḥammad narrated, "Al-Namarī wrote to me, saying: Aḥmad ibn Saʿīd narrated to us, Ibn Abī Dulaym narrated to us, Ibn Waḍḍāḥ narrated

to us, Ibrāhīm ibn Muḥammad ibn Yūsuf al-Firyābī narrated to us, Damrah ibn Rabī 'ah narrated to us from 'Uthmān ibn 'Aṭā', who is al-Khurasānī, from his father, who said: 'The weakest knowledge is the knowledge of speculation, that a man says, 'I think so-and-so doing such-and-such, and perhaps he did it in forgetfulness.'"¹⁴⁰

Abū Muḥammad narrated, "Al-Namarī wrote to me, saying: 'Al-Ḥasan ibn 'Alī al-Ḥalwānī mentioned to me, 'Āmir narrated to us, Ḥammād ibn Zayd narrated to us from Sa'īd ibn Abī Ṣadaqah, from Ibn Sīrīn, who said: 'There was no one after the Prophet who was better about what is not known than Abū Bakr, and there was no one better in what is not know after Abū Bakr than 'Umar. Indeed, Abū Bakr encountered a situation in which he did not find a basis in the Book of Allāh nor in the Sunnah, so he used his *ijtihād* and said: 'This is my ra'ī, so if it is correct, it is from Allāh, and if it is wrong, then it is from me, and I seek forgiveness from Allāh.'"¹⁴¹

Abū Muḥammad narrated, "Al-Namarī wrote to me, saying: 'I read to 'Abd al-Wārith ibn Sufyān that Qāsim ibn Aṣbagh informed them: 'I was told by Bakr ibn Ḥammād, who said: "Musaid ibn Masrahid narrated to me, that Yaḥyā ibn Saʿīd al-Qaṭṭān narrated from Ibn Jurayj, who told me that Sulaymān ibn 'Atīq narrated from Ṭalq ibn Ḥabīb, from al-Aḥnaf ibn Qays, from 'Abd Allāh ibn Masʿūd, from the Prophet who said, 'Beware! The extremists are doomed! Beware! The extremists are doomed! The

Abū Muḥammad narrated, "Al-Namarī wrote to me, saying: ''Abd Allāh ibn Muḥammad told us, that 'Abd Allāh ibn Muḥammad al-Qāḍī in Al-Qulzum narrated to us, that Muḥammad ibn Ibrāhīm ibn Zyād ibn 'Abd Allāh al-Rāzī narrated to us, that al-Ḥārith ibn 'Abd Allāh ibn Hamdān narrated to us, that 'Uthmān ibn 'Abd al-Raḥmān al-Waqqāṣ narrated from al-Zuhrī, from Saʿīd ibn al-Musayyib, from Abū Hurayrah who said: The Messenger of Allāh said, 'This Ummah will act for a time with the Book of Allāh and for a time with the Sunnah of the Messenger of Allāh , then they will act based on ra 'ī. If they do that, they will have gone astray.'"¹⁴³

¹⁴⁰ Al-Jāmi by Ibn Abd al-Barr 756

¹⁴¹ Al-Tabaqat by Ibn Sa'd 3/177 | Al-Jāmi' by ibn 'Abd al-Barr 820, 2/109

¹⁴² Sahīh Muslim 2670

¹⁴³ Al-Musnad by Abī Yaʻlā 5856

Abū Muḥammad narrated, "Al-Namarī wrote to me, saying: Muḥammad ibn Khalīfa told us, that Muḥammad ibn al-Ḥusayn al-Ājūrrī narrated to us, that Muḥammad ibn al-Layth narrated to us, that Jubārah ibn al-Mughallis narrated to us, that Ḥammād ibn Yaḥyā al-Abḥ narrated from al-Zuhrī, from Saʿīd ibn al-Musayyib, from Abū Hurayrah who said: The Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$ said: 'This Ummah will act for a time with the Book of Allāh, then will act for a time with the Sunnah of the Messenger of Allāh, then they will act based on ra $\stackrel{\text{\tiny{ie}}}{=}$. If they apply ra $\stackrel{\text{\tiny{ie}}}{=}$, they will go astray."

Abū Muḥammad narrated, "Al-Namarī wrote to me: I, Abū Zayd al-ʿAṭṭār, narrated to ʿAlī ibn Muḥammad ibn Masrūr, that Aḥmad ibn Dāwūd narrated to us, that Saḥnūn narrated to us, that Ibn Wahb informed me from Ibn Lahīʿah, from ʿAbd Allāh ibn Abī Jaʿfar, who said: 'Umar ibn al-Khaṭṭāb said, 'The Sunnah is what Allāh, the Exalted, and His Messenger as the Sunnah. Do not make false ra ʿī a Sunnah for the Ummah'"

Abū Muḥammad narrated, "Al-Namarī wrote to me, saying: Aḥmad ibn 'Abd Allāh ibn Muḥammad ibn 'Alī al-Bājī narrated to us, that al-Ḥasan ibn Ismā 'īl al-Muhandis narrated to us, that 'Abd al-Mālik ibn Baḥr narrated to us, that Muḥammad ibn Ismā 'īl narrated to us, that Sunayd narrated to us, that Yaḥyā ibn Zakariyyā [the son of Abī Zāʾ idah] narrated from Ismā 'īl ibn Abī Khālid, from 'Āmir al-Shaʿ bī who said, 'Zayd ibn Thābit came to a people who asked him about certain matters, and he informed them, and they wrote them down. Then they said, 'What if we inform him?' So they went to him and informed him.'' He said, 'Is this treachery? Perhaps everything I told you is wrong; I only exerted my opinion for you.'"¹⁴⁵

And with the same $isn\bar{a}d$ till Sunayd: narrated from Ḥammād ibn Zayd narrated from 'Amr ibn Dīnār who said: 'Jābir ibn Zayd said, "They are writing down what they hear from you." He replied: 'Indeed, we belong to Allāh, and to Him we shall return. They write down a ra ' $\bar{\imath}$ from which I may retract tomorrow.'"¹⁴⁶

Abū Muḥammad said, "We were informed by 'Abd Allāh ibn Rabī' that Ibn Mufarrij narrated to us that Qāsim ibn Aṣbagh narrated to us from Ibn Waḍḍāḥ that Ibn Wahb reported from al-Layth ibn Sa'd who said: Indeed, Rabī'ah wrote to him, saying: 'I think that every woman who is imprisoned

¹⁴⁴ Al-Jāmi' by Ibn 'Abd al-Barr 1046, 2/265

¹⁴⁵ Al-Musannaf by Ibn Abī Shaybah 26446, 5/315

¹⁴⁶ Al-Jāmi' by Ibn 'Abd al-Barr 1081, 2/280

and waiting for her husband in his absence has her maintenance owed to her. And whoever bears that responsibility, if he were to take that on himself, it would lead to his ruin in this world and his liability. The woman who has a husband is entitled to her maintenance until her inheritance is established and the demise of her husband is confirmed. And indeed, some people in Madīnah have reported otherwise. This is our ra \bar{i} , and the Sunnah has authority over this."

Abū Muḥammad narrated, "We were informed by Yūnus ibn 'Abd Allāh that Aḥmad ibn 'Abd Allāh ibn 'Abd al-Raḥīm narrated to us, that Aḥmad narrated to us, that Khālid narrated to us, that Muḥammad ibn 'Abd al-Salām al-Khushanī narrated to us, that Muḥammad ibn Bashār al-Bandār narrated to us, that Yaḥyā ibn Sa'īd al-Qaṭṭān narrated to us, that Ṣāliḥ ibn Muslim said that 'Āmir al-Sha'bī said to him in a matter of marriage he was asked about, 'If I inform you of my opinion, then accept it.'"

Abū Muḥammad narrated, "Al-Namarī wrote to me: Muḥammad ibn Khalīfa narrated to us, that Muḥammad ibn al-Ḥusayn al-Ājūrrī narrated to us, that Jaʿfar ibn Muḥammad al-Firyābī narrated to us, that al-ʿAbbās ibn al-Walīd ibn Mazīd narrated to us from his father, who said: 'I heard al-Awzāʿī say, 'Upon you is the $\bar{a}th\bar{a}r$ of those who came before you, even if people reject you, and beware of the raʿī of men, even if they adorn their words for you."

Abū Muḥammad narrated, "Al-Firyābī said: And Aḥmad ibn Ibrāhīm al-Dūrqī narrated to us, saying: I heard 'Abd al-Raḥmān ibn Mahdī say: I heard Ḥammād ibn Zayd say: 'It was said to Ayyūb al-Sakhtiyānī, 'Why do you not look into *ra* 'ī?' He replied, 'It was said to a donkey: 'Why do you not chew your cud?' He said: 'I dislike chewing falsehood.'"¹⁴⁸

Abū Muḥammad narrated, "Al-Namarī narrated: 'Abd al-Wārith ibn Sufyān narrated to us that Qāsim ibn Aṣbaq narrated to us, that Aḥmad ibn Zuhayr narrated to us, that al-Ḥawṭī narrated to us, that Ismā'īl ibn 'Ayyāsh narrated from Suwādah ibn Ziyād and 'Amr ibn Muhājir from 'Umar ibn 'Abd al-'Azīz who wrote to the people, 'There is no ra'ī for anyone alongside a Sunnah established by the Messenger of Allāh.'"

¹⁴⁷ Al-Jāmi by Ibn Abd al-Barr 1084, 2/281

¹⁴⁸ Al-Majālisah 2950, 7/77

¹⁴⁹ Al-Jāmi' by Ibn 'Abd al-Barr 760, 2/75

And with the same <code>isnād</code> till Qāsim, he narrated, "We were informed by Ibn Waḍḍāḥ, that Yūsuf ibn 'Adī narrated to us, that 'Ubaydah ibn Ḥamīd narrated from 'Aṭā' ibn al-Sā'ib who said. 'Rabī'ah ibn Khaytham said: 'Beware of saying about something: 'Indeed, Allāh has prohibited this or has forbidden it,' for Allāh, the Exalted, will say: 'You have lied; I did not prohibit it nor forbid it.' Or to say: 'Indeed, Allāh has permitted this and ordered it,' for Allāh will say: 'You have lied; I did not permit it nor ordered it.'"

Abū Muḥammad narrated, "And Al-Namarī wrote to me: Muḥammad ibn Khalīfah narrated to us, Muḥammad ibn al-Ḥusayn al-Ajurrī narrated to us, Abū Bakr ibn Abī Dāwūd al-Sijistānī narrated to us, Aḥmad ibn Sinān said: I heard al-Shāfi'ī say: 'The one who looks into ra'ī and then repents from it is like a madman who was treated until he recovered, and then neglects the cause that had triggered his madness.'"

And with the same $isn\bar{a}d$ till Abī Dāwūd al-Sijistānī who said, "I heard my father say: I heard Aḥmad ibn Ḥanbal say, 'You will hardly see anyone who looked into this ra ' $\bar{\imath}$ except that there remains some corruptness in his heart.""

Abū Muḥammad narrated, "And al-Namarī wrote to me: 'Abd al-Raḥmān ibn 'Abd Allāh ibn Khālid al-Hamdānī narrated to us, Yūsuf ibn Ya'qūb al-Najīrmī from Baṣrah narrated to us, al-'Abbās ibn al-Faḍl said: I heard Salamah ibn Shabīb say: I heard Aḥmad ibn Ḥanbal say, 'The ra'ī of al-Shāfi'ī, the opinion of Mālik, and the opinion of Abū Ḥanīfah are all ra'ī, and to me, they are the same. The hujjah is only in the narrations."

Abū Muḥammad narrated, "And al-Namarī wrote to me: Abd al-Raḥmān ibn Yaḥyā narrated to us, Aḥmad ibn Saʿīd Abū Muḥammad narrated to us, 'Ubayd Allāh ibn Yaḥyā ibn Yaḥyā narrated to us from his father, Yaḥyā ibn Yaḥyā, that he used to visit Ibn Wahb. He would ask him, 'Where have you come from?' and Ibn Wahb would reply, 'From Ibn al-Qāsim.' So Yaḥyā would say to him, 'Fear Allāh, for most of these matters are ra 'ī.'"¹⁵³

¹⁵⁰ Al-Jāmi by Ibn Abd al-Barr 1090, 2/284

¹⁵¹ Al-Jāmi' by Ibn 'Abd al-Barr 1058

¹⁵² Al-Jāmi by Ibn Abd al-Barr 1059, 2/270

¹⁵³ Al-Jāmi' by Ibn 'Abd al-Barr 1086, 2/282

So it is established that the Companions, may Allāh be pleased with them, did not give any rulings based on their ra $\bar{\imath}$ as a binding obligation, nor as a certainty, but rather as a presumption for which they would seek forgiveness from Allāh, or as a means of reconciliation between disputants. So it is not permissible for a Muslim to use anything from them that has come in this manner as a hujjah. As for the $T\bar{a}bi$ $\bar{u}n$, we have mentioned a significant number of them.

Abū Muḥammad narrated, "Yūnus ibn 'Abd Allāh al-Qāḍī narrated to us: Yaḥyā ibn 'Ā'idh narrated to us, Hishām ibn Muḥammad ibn Qurrā narrated to us from Abū Ja'far Aḥmad ibn Salāmah al-Ṭaḥāwī, Ibrāhīm ibn Marzūq narrated to us, Muslim ibn Ibrāhīm narrated to us, Abū 'Aqīl narrated to us, Sa'īd al-Jurayrī narrated to us from Abū Naḍrah that he said: I heard Abū Salamah ibn 'Abd al-Raḥmān ibn 'Awf say to al-Ḥasan ibn Abī al-Ḥasan al-Baṣrī [and I had accompanied al-Ḥasan to visit him], 'I have heard that you give *fatwās* based on your *ra* 'ī, unless it is a Sunnah from the Messenger of Allāh are or the revealed Book."

And the same $isn\bar{a}d$ till al-Ṭaḥāwī, he narrated from: Sulaymān ibn Shuʻayb narrated to us, Khālid ibn ʻAbd al-Raḥmān narrated to us and Mālik ibn Mighwal narrated from al-Shaʻbī who said, "Whatever comes to you from these Companions of the Messenger of Allāh \cong [from his Sunnah], take it, and whatever is from their ra $\stackrel{\cdot}{\tau}$, throw it in the rubbish heap." ¹⁵⁵

Abū Muḥammad narrated, "Aḥmad ibn 'Umar narrated to us, Abū Dharr narrated to us, Zāhir ibn Aḥmad narrated to us, Zanjuwayh ibn Muḥammad narrated to us, Muḥammad ibn Ismā'īl al-Bukhārī narrated to us, Muḥammad ibn Maḥbūb narrated to us, 'Abd al-Wāḥid narrated to us, al-Zabraqān ibn 'Abd Allāh al-Asadī that Abū Wā'il Shaqīq ibn Salamah said to him, 'Beware of sitting with those who say, 'Tell us what do you think?'"

We have also narrated from al-Sha'bī that he said, "These people who say, 'Tell us what do you think?' have left the *masjid*. They are more detestable to me than the trash from my household."¹⁵⁶

Abū Muḥammad narrated, "Among our companions who is 'Abd al-Raḥmān ibn Salamah, narrated to us, Aḥmad ibn Khalīl narrated to us, Khālid

¹⁵⁴ Al-Jāmi' by Ibn 'Abd al-Barr 1131, 2/306

¹⁵⁵ Sunan Al-Dārimī 163, 1/70

¹⁵⁶ Sunan Al-Dārimī 194, 1/77

ibn Sa'd narrated to us: Muḥammad ibn 'Umar ibn Lubābah narrated to me, Abān ibn 'Īsā ibn Dīnār, who was virtuous, narrated to me from his father from Ibn al-Qāsim from Mālik from Ibn Shihāb who said, 'Let the Sunnah proceed; do not object it with ra' $\bar{\imath}$.' Abān said: 'My father had resolved to abandon giving $fatw\bar{a}s$ based on ra' $\bar{\imath}$ and preferred to give $fatw\bar{a}s$ based on what had been narrated from $had\bar{\imath}th$, but death overtook him before he could do so.'"157

Abū Muḥammad narrated, "Al-Muhallab narrated to us, Ibn Manās narrated to us, Ibn Masrūr narrated to us, Yūnus ibn 'Abd al-A' lā narrated to us, Ibn Wahb narrated to us: Sa'īd ibn Abī Ayyūb narrated to me from Abū al-Aswad, who is Muḥammad ibn 'Abd al-Raḥmān ibn Nawfal, the ward of 'Urwah, who said: I heard 'Urwah ibn al-Zubayr say, 'The affairs of the Banū Isrā'īl remained upright until the children of captives from other nations arose, and they began to lead them with *ra* 'ī, thereby leading them astray.'" 158

And with the same $isn\bar{a}d$ till Ibn Wahb, "Ibn Lahī'ah narrated to me that a man asked Sālim ibn 'Abd Allāh ibn 'Umar about something, and he replied, 'I have not heard anything regarding this.' So the man said to him, 'Inform me about it with your ra ' $\bar{\imath}$, may Allāh rectify you.' Sālim replied, 'No.' The man then repeated his question, saying, 'I am content with your ra ' $\bar{\imath}$.' Sālim then said to him, 'I might inform you of my ra ' $\bar{\imath}$, and later on, you would follow another ra ' $\bar{\imath}$, and then I would not see you again.'"

Abū Muḥammad narrated, "Muḥammad ibn Saʿīd ibn Nabāt narrated to us, 'Abd Allāh ibn Muḥammad al-Qulaʿī narrated to us, Abū 'Alī Muḥammad ibn Aḥmad al-Ṣawwāf narrated to us from Bishr ibn Mūsā al-Asadī, who said: 'Abd Allāh ibn al-Zubayr al-Ḥumaydī said: Sufyān ibn 'Uyaynah said: 'The affairs of the people remained balanced until Abū Ḥanīfah changed that in Kūfah, al-Battī in Baṣrah, and Rabīʿah in al-*Madīnah*.'"¹⁶⁰

These men, may Allāh forgive us and them, were the first to open the door to ra $\bar{\imath}$ and they depended on it, and apply $qiy\bar{a}s$ to the narrations of the Messenger of Allāh. This is the slip of a scholar and a mistake of a virtuous person. May Allāh forgive them all through His grace, $\bar{A}m\bar{\imath}n$.

¹⁵⁷ Al-Jāmi by Ibn Abd al-Barr 1089, 2/283-284

¹⁵⁸ Al-Faqīh Wal-Mutafaqqih 305

¹⁵⁹ Sunan by Al-Dārimī 120, 1/62 | Al-Madkhal by Al-Bayhaqī 222

¹⁶⁰ Al-Jāmi' by Ibn 'Abd al-Barr 2/71

Abū Muḥammad narrated, "Al-Namarī wrote to me: Yūsuf ibn 'Abd Allāh narrated to us, 'Abd Allāh ibn Muḥammad ibn 'Abd al-Mu'min, who is Ibn al-Zayyāt, narrated to us: Abū 'Abd Allāh Muḥammad ibn Aḥmad al-Qāḍī al-Mālikī from Baṣrah narrated to us, Mūsā ibn Isḥāq narrated to us, Ibrāhīm ibn al-Mundhir narrated to us, Ma'n ibn 'Īsā said: I heard Mālik ibn Anas say, 'I am a human being; I make mistakes and I am correct. So, examine my ra ' $\bar{\iota}$, and everything that agrees with the Book and the Sunnah, take it, and whatever does not agree with the Book and the Sunnah, leave it '''¹⁶¹

Abū Muḥammad narrated, "One of our companions who is Muḥammad ibn Abī Naṣr, informed me from Abū 'Umar and 'Uthmān ibn Abī Bakr: Abū Nu'aym narrated to me in Iṣbahān: 'Abd Allāh ibn Muḥammad ibn 'Abd al-Karīm narrated to us: al-Ḥasan ibn Manṣūr narrated to us, al-Ḥinīnī said: Mālik ibn Anas said: 'Beware of the people of ra 'ī, for they are the enemies of the Sunnah.'"

Abū Muḥammad narrated, "Ibn Abī Naṣr narrated to us: 'Uthmān ibn Abī Bakr narrated to us: Abū Nuʿaym Ibrāhīm ibn 'Abd Allāh narrated to us, Muḥammad ibn Isḥāq said: I heard 'Uthmān ibn Ṣāliḥ say, 'A man came to Mālik and asked him about a matter. Mālik said to him, 'The Messenger of Allāh said such and such.' The man then said, 'What do you think about it?' Mālik recited, 'So let those who oppose his order beware lest a trial befall them or a painful punishment afflict them.'" [24:63]

Abū Muḥammad narrated, "'Abd al-Raḥmān ibn Salamah narrated to us, Aḥmad ibn Khalīl narrated to us, Khālid ibn Rasūl narrated to us, 'Abd Allāh ibn Yūnus al-Murādī narrated to us, Baqī ibn Makhlad narrated to us: Sahnūn and al-Ḥārith ibn Miskīn narrated from Ibn al-Qāsim from Mālik that he used to frequently say, 'We only have *zann* and we are not certain.'"¹⁶³

And with the same *isnād* till Khālid, "I heard Muḥammad ibn 'Umar Lubābah say: Abū Khālid Mālik ibn 'Alī al-Qurashī al-Qaṭṭānī, the ascetic, who was virtuous, good, and diligent in worship, informed me: al-Qaʻnabī told me, 'I entered upon Mālik ibn Anas during the illness from which he died. I greeted him and then sat down, and I saw him weeping. So I said, 'O Abū 'Abd Allāh, what is making you weep?' He replied to me, 'O Ibn

¹⁶¹ Al-Jāmi by Ibn Abd al-Barr 1098, 2/286-287

¹⁶² Al-Jāmi' by Ibn 'Abd al-Barr 751, 2/70

¹⁶³ Al-Madkhal by Al-Bayhaqī 236



Qa 'nab, what else should I weep for? Who has more right to weep than I? By Allāh, I wish that I would be lashed for every issue for which I gave a *fatwā* based on my ra ' $\bar{\imath}$. Indeed, I had ample opportunity in what preceded, but I wish I had not given fatwās based on ra ' $\bar{\imath}$.'"¹⁶⁴

And that same *isnād* till Khālid, "Aḥmad ibn Khālid narrated to us, Yaḥyā ibn 'Umar narrated to us, al-Ḥārith ibn Miskīn narrated to us from Ibn Wahb, who said: Mālik said to me, 'The Messenger of Allāh as was the leader of the Muslims and the master of all creation. He would be asked about something and would not respond until revelation came to him from the heavens.'"¹⁶⁵

Is it then allowed for anyone, if this is established from the Prophet , from whom we take our religion, to then give *fatwās* other than what was revealed by revelation and to rely on opinion and *qiyās*? May Allāh protect us from that.

Abū Muḥammad narrated, "Aḥmad ibn 'Umar narrated to us, Aḥmad ibn Muḥammad ibn 'Īsā narrated to us, Muḥammad ibn Ghundar narrated to us, Khalaf ibn Qāsim narrated to us, Abū al-Maimūn 'Abd al-Raḥmān ibn 'Abd Allāh ibn 'Umar ibn Rāshid al-Bajalī narrated to us, Abū Zur'ah 'Abd al-Raḥmān ibn 'Amr narrated to us, Abū Mushīr narrated to us, Sa'īd ibn 'Abd al-'Azīz said about Makḥūl, 'When he was asked, he would not answer until he said, 'There is no power nor strength except with Allāh, the Most High, the Great. This is my ra 'ī, and ra 'ī can be right or wrong.'"166

And it is said to the one who rules with ra $\bar{\tau}$ in religion, permitting and prohibiting, and obligating: Tell us where you get it from when you claim, 'This is $har\bar{a}m$ ' or 'This is $w\bar{a}jib$.' Are you saying this from yourself, or from Allāh and His Messenger \tilde{z} ? If you claim to say this from Allāh or from His Messenger , then you are lying against them, because you are saying about them what neither Allāh nor His Prophet said.

And if you say this from yourself, then you have become one who makes *ḥalāl* and makes *ḥarām* and legislates. In this, there is a grave matter, and we seek refuge in Allāh from that. Furthermore, you have become one who rules over the Creator, Most High, and imposes upon Him rulings in His

¹⁶⁴ Al-Ḥilyah by Abī Nu aym 6/323

¹⁶⁵ Al-Jāmi by Ibn Abd al-Barr 1086, 2/282

¹⁶⁶ Al-Madkhal by Al-Bayhaqī 808

religion that He did not legislate, and you are the one legislating them. In this is sufficient decisive evidence, and we are supported by Allāh, Most High.

Abū Muḥammad narrated, "Aḥmad ibn 'Umar ibn Anas narrated to us, al-Ḥusayn ibn Yaʻqūb narrated to us, Saʻīd ibn Faḥlūn narrated to us, Yūnus ibn Yaḥyā al-Mafāmī narrated to us, 'Abd al-Mālik ibn Ḥabīb informed me, Ibn al-Mājishūn said: Mālik ibn Anas said: 'Whoever introduces into this ummah anything that was not practiced by its predecessors has claimed that the Messenger of Allāh betrayed the message, because Allāh, Most High, says, 'This day I completed for you your religion and completed My favor upon you' [5:3]. So, whatever was not religion on that day cannot be religion today.'"

And Al-Ṭaḥāwī mentioned about Abū Ḥanīfah that he said, "This knowledge of ours is a ra $\ddot{\tau}$; whoever brings us something better than it, we will accept it."

Abū Muḥammad narrated, "Muḥammad ibn Saʿīd ibn Nabāt narrated to us, Ismāʿīl ibn Isḥāq al-Baṣrī narrated to us, Khālid ibn Saʿd narrated to us, Muḥammad ibn Ibrāhīm ibn Ḥayyūn al-Ḥijārī narrated to us, 'Abd Allāh ibn Aḥmad ibn Ḥanbal said: I heard my father [Aḥmad] say, 'A weak ḥadīth is more beloved to us than raʿī.""

Abū Muḥammad narrated, "Ḥumām narrated to us, 'Abbās ibn Aṣbagh narrated to us, Muḥammad ibn 'Abd al-Mālik ibn Ayman narrated to us, 'Abd Allāh ibn Aḥmad ibn Ḥanbal said, 'I asked my father about a man who is in a town where there is no one except a ḥadīth scholar who does not know the authentic from the weak and then there are people of ra 'ī. And a new issue occurs to him, so who should he ask? He said, 'He asks the ḥadīth scholar and not the people of ra 'i. Weak ḥadīth is stronger than the ra 'ī of Abū Hanīfah.'"

Aḥmad, may Allāh have mercy on him, spoke the truth here, because whoever takes what he has received from the Messenger of Allāh, even though he does not know its weakness, is rewarded with certainty for his intention to obey the Messenger of Allāh as Allāh ordered him. As for whoever follows the ra $\bar{\tau}$ of Abū Ḥan $\bar{\tau}$ fah or Mālik or others, he is following something that Allāh never ordered him to follow. This is disobedience, not obedience. All the Companions, the $T\bar{a}bi$ $\bar{\tau}n$, and the $fuqah\bar{a}$ disavowed

 $^{^{167}}$ Al-Tārīkh by Abū Zurʻah 1/30



opinion ra \bar{i} , regretted what they had put forward of it, and disowned those who made $taql\bar{i}d$ of them in any part of it.

So who is more misguided than the one who worships Allāh, Most High, with a ra $\tilde{\imath}$ when the one who held that ra $\tilde{\imath}$ wishes that for every issue he gave a ruling by it to be lashed, for each one? And perhaps there are more than ten thousand such issues. And who is more astray than the one who worships Allāh, Most High, with a ra $\tilde{\imath}$ of someone who said, "Whoever brings us something better than our ra $\tilde{\imath}$, we will accept it?" There is no doubt among any Muslim with the least amount of intellect that the words of Allāh, Most High, and the words of Muḥammad $\tilde{\ast}$ are better than the ra $\tilde{\imath}$ of Abū Hanīfah and Mālik.

This is while what we have presented in this chapter of authentic $ahad\bar{\imath}th$ from the Messenger of Allāh # prohibiting giving $fatw\bar{a}s$ based on $ra\bar{\imath}$ and the certain decisive and necessary evidences for that. And Allāh is sufficient for us, and He is the best trustee.

Chapter Thirty-Five: The Falsehood Of *Taqlīd*

The belief (i'tiq $\bar{a}d$) of anyone in one saying, two or more, in the sayings in which *ahl ul-tamyīz* who engage in various branches of knowledge have differed upon, that belief (i'tiq $\bar{a}d$) of a person does not cease from being one of two:

Either he believes it because of certain decisive evidence that is established with him.

Or he believes it without certain decisive evidence that is established with him.

If he believes it with certain decisive evidence that is established with him, this also does not cease to be one of two cases:

Either he believes it because of certain decisive evidence that is authentic/valid in its essence.

Or he believes it based on something he thinks is certain decisive evidence but it is not certain decisive evidence. Instead, it is a tumult and deception, placed in a way that is not straight.

We have clarified everything in our book titled Al-Taqrīb every single certain decisive evidence, an established truth in its essence, and we have clarified in this book that the certain decisive evidence in the $diy\bar{a}nah$ is nothing other than nass of the Qur'ān or an authentic musnad narration attributed to the Prophet or conclusions derived from valid premises from these two sources $(Dal\bar{\imath}l)$ in the manner we clarified before.

As for the second category, which is tumult that is assumed to be certain decisive evidence but is not certain decisive evidence, from its types are: *qiyās*, weak narrations, the abrogated, and the excluded, and any corrupt ruling advanced through deceptive means that we have clarified in Al-Taqrīb.

As for what a person believes without valid certain decisive evidence, this also does not cease to be from one of two cases:



Either he believes it because he found it favorable according to his whims, opinion, preference. And the claim of inspiration is part of this category.

Or he believes it because some other than the Prophet said it.

And this is $taql\bar{\iota}d$, which is derived from the phrase, "I entrusted [qalladtu] so-and-so with the task," meaning as if, "I placed it like a necklace around his neck."

Some followers of *taqlīd* were embarrassed by their actions and, despite acknowledging the invalidity of the meaning associated with this term, so they said, "We do not engage in *taqlīd*; rather, we follow."

They have not escaped their wrongful act through this deception, for the prohibition applies on the meaning. Let them call/define $taql\bar{\iota}d$ by whatever name they wish; for as long as they take a statement because someone other than the Prophet $\frac{1}{2}$ said it, they are disobedient to Allāh, for they have followed someone whom Allāh did not order them to follow.

So know then that the *muqallid* who claims $taql\bar{\iota}d$ is his way to the Qur'ān and Sunnah is a blatant liar, for none of them would dare to attribute all the claims of his scholar whom he makes $taql\bar{\iota}d$ of to the religion of Allāh, no one attributes such to the religion of Allāh except the ' $irb\bar{\iota}d$, fasfās, and with that he implies that thousands of issues can be $w\bar{a}jib$, $har\bar{a}m$ and $hal\bar{a}l$ at the same time as all of them allow and validate $taql\bar{\iota}d$ of hundreds of their scholars. And all of them acknowledge that none of what they are following is $yaq\bar{\iota}n$ and nothing other than $yaq\bar{\iota}n$ is binding, and $yaq\bar{\iota}n$ in the religion is nothing other than the Qur'ān and Sunnah.

If they say, "But *takhṣīṣ* and *naskh* can also sometimes be mistaken by scholars and likewise a narration can be sometimes weak and that does not invalidate that an authentic narration is the truth and that *takhṣīṣ* and *naskh* are the truth."

The answer: Yes because their validity is established by certain decisive evidences which no one is able to oppose, $taql\bar{\imath}d$ does not become valid because of the established validity of these valid methods, and we never validate a wrong $takhs\bar{\imath}s$ and a wrong naskh and a weak narration. As for you, you acknowledge the validity of $taql\bar{\imath}d$ of every scholar from the $madh\bar{\imath}ahib$, and by that you have acknowledged thousands of contradictory rulings. So the difference is as evident as the difference between day and night. And you



acknowledge that none of these views can ever be attributed and added to the religion of Allāh, this is very clear, and all praise is for Allāh.

And it suffices to invalidate *taqlīd* by saying to one who makes *taqlīd* a specific human: What is the difference between you and someone who makes *taqlīd* of another person, different from the one you make *taqlīd* of? And while the one the other make *taqlīd* is by your acknowledgment more knowledgeable and better than the other?

If he says that one must make $taql\bar{t}d$ of every scholar, he has made the religion neglected and obliged contradictory rulings at the same time in $fatw\bar{a}$, this is something from which there is no escape from. Yet, they continued to tumult and prolong the discussion, so it became necessary to inquire deeply their confusion, as this book of ours is one of comprehensive clarification, not summarization, with Allāh's help.

We shall mention, if Allāh wills, what the *mutaʿakhkhirūn* have deceptively claimed in support of their position of *taqlīd* and demonstrate the invalidity of all of it with Allāh's power and strength. Then we will present certain decisive and necessary evidence for the complete falsehood of *taqlīd*, and with Allāh, success is attained.

Among the confusion they raised is that some of them said, "It is narrated that Ibn Mas'ūd used to follow the saying of 'Umar."

This is false because Ibn Masʿūd's disagreement with 'Umar is more well-known than to require any effort to mention it. He only agreed with him as just, as *ahl ul-istidlāl* can concur on evidence.

We know of no narration that Ibn Mas'ūd returned to 'Umar's ra'ī except for one weak narration that is not authentic, and it concerns one issue only, which is the division of the inheritance between the grandfather and the brothers, sometimes dividing a third and sometimes dividing a sixth. And similar narrations do not reach more than four issues. And, it is mentioned that Ibn Mas'ūd implemented it according to 'Umar's saying only because 'Umar was the *khalīfah*, and Ibn Mas'ūd was one of his officials ['ummāl].

But as for the disagreements between these two, if we would count them, they would exceed one hundred issues. We mentioned, a few pages after this, the *sanad* of the mentioned narration regarding Ibn Masʿūd's following of 'Umar, and we clarified that this narration is weak and falls apart.

As for the disagreement of Ibn Mas'ūd with 'Umar in one of his greatest and most well-known cases is what was narrated to us by Abū Muhammad, "Muhammad ibn Sa'īd al-Nabāt narrated to us: Ahmad ibn 'Awn Allāh told us, who said: Qāsim ibn Asbagh told us, who said: Muhammad ibn 'Abd al-Salām al-Khushanī told us, who said: Muhammad ibn Bashār told us, who said: Muhammad ibn Ja'far told us, who said: Shu'bah narrated from al-Hakam ibn 'Utaybah, from Zayd ibn Wahb, who said, 'I went along with a man to 'Abd Allāh ibn Mas'ūd to ask him about the issue of *Umm al-Walad*. He was praying, and there were two men standing on his right and left. When he finished praying, they asked him. One of them said, 'Who taught you to recite?' He said, 'Abū 'Amrah or Abū Hakam al-Muzanī taught me.' The other said, 'Umar ibn al-Khattāb taught me to recite.' Ibn Mas'ūd wept until his tears soaked the pebbles. He said, 'Recite as 'Umar taught you, for he was a strong fortress for Islām; people would enter into it and not leave. But when 'Umar was struck, the fortress was breached, and people left Islām.' Then I asked him about 'Umm al-Walad', and he said, 'She is freed from the portion of her child's share."

This is Ibn Mas'ūd with this great sanad in which there is no flaw, after the death of 'Umar, according to the text of this narration, which mentions the death of 'Umar. He disagreed with him concerning ummhāt alawlād [slave girls pregnant from their masters], for he did not consider them to be free women from the wealth of their masters, but rather from the share of their children, just as any mother becomes free when she is owned by anyone.

And from those is that Ibn Mas' $\bar{u}d$, until he died, used to clasp his hands [$tatb\bar{\iota}q$] in prayer, while 'Umar placed his hands on his knees and forbade clasping.

And Ibn Mas'ūd used to strike the hands if they were placed on the knees.

And Ibn Mas'ūd said concerning a man who committed fornication with a woman and then married her: 'They will remain fornicators as long as they are together,' while 'Umar ordered the fornicator to marry the one with whom he had committed fornication.

And Ibn Mas'ūd said that selling a slave woman is her divorce, while 'Umar did not consider her sale to be a divorce.

So he opposed him on a lot of issues.

The greatest wonder is at those who argue with falsehood, claiming that Ibn Mas'ūd used to make *taqlīd* of 'Umar, while they do not make *taqlīd* of 'Umar or Ibn Mas'ūd in all their statements, but rather make *taqlīd* of those whom Ibn Mas'ūd never made *taqlīd* nor saw, such as Abū Ḥanīfa, Mālik, and al-Shāfi'ī. And that suffices to show the extent of the stupidity and ignorance of those who use such as argument.

Their claim contradicts what they use as evidence. And how could it be possible for Ibn Mas'ūd to make *taqlūd* of 'Umar?

For Abū Wāʾil, Shaqīq ibn Salama al-Asadī, narrated, "'Abdullāh ibn Masʿūd said, 'The companions of the Messenger of Allāh * know well that I am the most knowledgeable among them of the Book of Allāh, the Exalted. If I knew that anyone was more knowledgeable about it than me, I would travel to him.' Shaqīq said, 'I sat in his gathering and I did not hear anybody opposing him [in his speech].'"¹⁶⁸

And Masrūq narrated, "'Abdullāh ibn Mas'ūd said: 'By the One besides whom there is no god, there is not a single chapter in the Book of Allāh except that I know where it was revealed, and there is not a single verse except that I know about what it was revealed. If I knew of anyone more knowledgeable about the Book of Allāh than me, and the camels could reach him, I would travel to him.'"¹⁶⁹

Ibn Masʿūd was so closely associated with the Messenger of Allāh ## that Abū Mūsā al-Ashʿarī said about it, "For a time, we thought that Ibn Masʿūd and his mother were part of the household of the Prophet ## because of how often they entered and remained with him." 170

Abū Masʿūd al-Badrī, when ʿAbdullāh ibn Masʿūd stood up said: "I do not know that the Messenger of Allāh seleft after him anyone more knowledgeable about what Allāh revealed than this man standing here." And then Abū Mūsā said, "He was present when we were absent, and he was permitted when we were detained."

When a man of such description informs us that there is not a single verse in the Qur'ān except that he knows what it was revealed about, is it then

 $^{^{168}}$ Şahīh Muslim 2462 | Şahīh al-Bukhārī 5000

¹⁶⁹ Şaḥīḥ al-Bukhārī 5002 | Şaḥīḥ Muslim 2463

¹⁷⁰ Sahīh al-Bukhārī 4384

¹⁷¹ Sahīh Muslim 2461



possible for any person of with 'aql to assume that he made taqlīd of anyone from the people and while he opposed them in many issues?

This is impossible, and there is no way to it. One only makes *taqlīd* someone who is ignorant of the ruling in a case, so they take the saying of someone whom they think knows it.

And how could it be possible for Ibn Mas ʿūd to make *taqlīd* of ʿUmar when, Abū Muḥammad narrated, "Muḥammad ibn Saʿīd narrated to us: Aḥmad ibn ʿAwn Allāh narrated to us: Qāsim ibn Aṣbagh narrated to us: Muḥammad ibn ʿAbd al-Salām al-Khushanī narrated to us: Muḥammad ibn Bashshār Bundār narrated to us: Muḥammad ibn ʿAdī and Abū Dāwūd al-Ṭayālisī, both narrated from Shuʿbah, from ʿAmr ibn Murrah, from Abū ʿUbayd Allāh ibn ʿAbd Allāh ibn Mas ʿūd, from Masrūq, who said, 'I did not find the companions of the Prophet at to be similar to anything except a water basin with water gathered in it, and the water basin is sufficient for one, two, or three, and the water basin is sufficient for groups of people. I came to ʿAbdullāh ibn Masʿūd, 'Umar, and 'Uthmān, and I found that 'Abdullāh ibn Masʿūd was sufficient for me, so I stuck with ibn Masʿūd.'"¹⁷²

Masrūq made it clear that he tried them and found that Ibn Mas'ūd was not lacking in knowledge compared to 'Umar. Rather, Masrūq's words indicate that Ibn Mas'ūd surpassed 'Umar in knowledge, and that is why he was sufficient for him without needing 'Umar. We have already mentioned in the chapter on $ijm\bar{a}$ in this book, in the chapter about those who claim that $ijm\bar{a}$ is the $ijm\bar{a}$ of $ahl\ ul-Mad\bar{u}nah$, the status of Ibn Mas'ūd's knowledge according to 'Umar in his letter to the people of Kūfah.

And some argued by saying, "There must be $taql\bar{\iota}d$, because when you go to the butcher, you make $taql\bar{\iota}d$ of him in assuming that he has mentioned the name of Allāh, even though it is possible he did not mention it. And similarly in every other matter."

The one who argues with this either has the ignorance of a donkey or has a weak faith, lacking shame and fear of Allāh, Exalted is He. It is said to him: If what you mentioned is *taqlīd* according to you, then make *taqlīd* of every open sinner, every person who says something, and make *taqlīd* of the Jews and Christians by following their religion, because we also buy meat from them and trust that they have mentioned the name of Allāh on their slaughter just as we trust the upright Muslim. There is no difference or

 $^{^{172}}$ 'Ilal by Ibn Al-Madīnī 13, pg. 42



preference between buying it from a pious worshiper or from a sinful Jew, and there is no distinction or virtue for the slaughter of the pious scholar over the slaughter of the sinful person. So make *taqlīd* every speaker on the face of the earth, even if they differ, just as we eat the meat of every butcher, whether *mu'min* or *dhimmī*.

If he says that, he has left Islām and is no longer of concern, and it is necessary for him not to make $taql\bar{\iota}d$ of a specific scholar without following others, just as he does not make $taql\bar{\iota}d$ of a specific butcher without following others. And if he refuses that, he has invalidated his argument of making $taql\bar{\iota}d$ of the butcher and others, and his deception has collapsed.

But let the $j\bar{a}hil$ know that what this deceiver was tumultuous with by citing our trust in the butcher, the craftsman, and the seller of commodities in their hands, it is not $taql\bar{\iota}d$ at all. We trust them only because the nass has ordered us to trust them. The companions of the Messenger of Allāh asked about exact matter, saying, "O Messenger of Allāh, there comes to us people who are recent converts from disbelief, and we do not know whether they have mentioned the name of Allāh over their slaughter' He said, 'Mention the name of Allāh yourselves and eat."

And Allāh, Exalted is He, has ordered the eating of the food of the People of the Book and their slaughter. So if they bring us a naṣṣ about the obligation of making ' $taql\bar{\iota}d$ ' of a specific person or $ijm\bar{a}$ 'about the obligation of ' $taql\bar{\iota}d$ ' of him, we follow it and accept it, and that is not $taql\bar{\iota}d$ at all at that point because the certain decisive evidence are established for the obligation of following him, following that is nothing other than following the revelation of Allāh.

And some of them argued by saying that it was narrated from 'Umar that he said, "I feel ashamed before Allāh to oppose Abū Bakr." ¹⁷⁴

This is invalidated in five ways.

First, this *ḥadīth* is fabricated, incomplete, and not authentic in this wording as they have presented it. It only came in a wording that is a *ḥujjah* against them, and we will mention it after completing the mentioning of their arguments, and then we will begin with the arguments being against them, If Allāh wills.

¹⁷³ Şaḥīḥ al-Bukhārī 2057

 $^{^{174}}$ Al-Muṣannaf by 'Abd al-Razzāq 19191, 10/304

Second, 'Umar's opposition to Abū Bakr is too well-known to be ignorant of by anyone with the least amount of knowledge. Among that is his disagreement with him concerning the captives of *ahl ul-riddah*; Abū Bakr enslaved them, and it was conveyed that 'Umar annulled his ruling in that matter and returned them as free women to their families, except for those who bore children by their masters ¹⁷⁵, among whom was Khawlah al-Ḥanafiyyah, the mother of Muḥammad ibn 'Alī.

He also opposed him regarding the division [qismah] of the conquered lands; Abū Bakr believed in dividing them, while 'Umar believed in suspending that and did not divide them.

And he opposed him regarding giving *badr* warriors more than giving the other warriors, Abū Bakr made them the same, while 'Umar gave them more than others¹⁷⁶.

Among the closest instances of this is what we were narrated by Ibn 'Umar who said, "'Umar said, 'I will not appoint a successor because the Messenger of Allāh did not appoint a successor, and if I do appoint one, then Abū Bakr has appointed one.' Ibn 'Umar said, 'By Allāh, it was only that he mentioned the Messenger of Allāh and Abū Bakr that I knew he would not consider anyone equal to the Messenger of Allāh, and that he was not going to appoint a successor."

This is a clear statement of 'Umar's opposition with Abū Bakr regarding what he thought the Prophet $\stackrel{\text{\tiny{se}}}{=}$ did, and he has also opposed him in the matter of the inheritance share for the grandfather and in many other matters, with authentic $as\bar{a}n\bar{\iota}d$ that invalidate the claim of those who said he never opposed him.

The third point is that if this would be authentic as they presented it, it would not necessitate the obligation of making *taqlīd* of Mālik and Abū Ḥanīfah, and it cannot be imagined by anyone with 'aql that in the *taqlīd* of 'Umar of Abū Bakr there is an obligation for the people of our time to make *taqlīd* of Mālik and Abū Ḥanīfah, so their deception regarding what they mentioned is invalidated.

The fourth point is that the one who uses what we mentioned about 'Umar is the most shameless and the least modest of people because he used

¹⁷⁵ Al-Amwāl by Ibn Zanjuwayh 1/349

¹⁷⁶ Sahīh al-Bukhārī 4022

¹⁷⁷ Sahīh Muslim 1823

what contradicts him and defended something that invalidates it. Because he is not ashamed of what 'Umar felt ashamed of.

Because the one who argues with these himself contradicts Abū Bakr and 'Umar in most of their sayings, and we have mentioned many of the oppositions of the Mālikīs themselves in what they narrate in al-Muwaṭṭa' from Abū Bakr and 'Umar regarding previously in this book of ours, which makes it unnecessary to repeat it.

We clarified that they narrate from Abū Bakr six issues and then they oppose him in five of that, and they oppose 'Umar in about thirty issues of what they narrated in al-Muwatṭa' alone. So, how could this arguer not feel ashamed of what 'Umar felt ashamed of? He is implied to make *taqlīd* of Abū Bakr and 'Umar; otherwise, he has admitted to himself to abandon the truth when he left the words of 'Umar while he is at the same time arguing with his words in establishing *taqlīd*.

The fifth point is that if it would be established that 'Umar made $taql\bar{\iota}d$, and Allāh has protected him from that, then he and all others who opposed him from the Companions have invalidated and declared false $taql\bar{\iota}d$, obliging that their statements must refer back to the nass. Then to whichever the nass bears witness to, it must be accepted, and the nass bears witness to the sayings of those who have invalidated and declared $taql\bar{\iota}d$ false, so their sayings must be accepted and considered which are in accordance with the revelation of Allāh—if that would be the case—and not the other companions which are sayings not from the revelation of Allāh.

They also argue with what we were narrated by al-Shaʿbī that Jundub mentioned to him a saying in a matter of prayer attributed to Ibn Masʿūd. Jundub said, "Indeed, for a man, I would not abandon his saying for the saying of anyone else."

And also what al-Sha'bī narrated from Masrūq who said, "There were six of the companions of the Prophet who issued *fatwās* to the people: Ibn Mas'ūd, 'Umar ibn al-Khaṭṭāb, 'Alī, Zayd ibn Thābit, Abū ibn Ka'b, and Abū Mūsā al-Ash'arī. Three of them would abandon their statements for the statements of the other three: 'Abdullāh would abandon his statement for the statement of 'Umar, and Abū Mūsā would abandon his statement for the statement of 'Alī, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and Zayd would abandon his statement for the statement of 'Abū, and 'Ab

 $^{^{178}}$ Al-'Ilal by Aḥmad 1873, 2/162



This is not a *hujjah* for them for many reasons.

The first is that the narrator of these two reports is Jābir al-Juʿfī, who is a liar, and these narrations are not free from so using this as an argument is invalid.

The second is that this last narration has clear falsehood, as it contradicts something as well-known and authentic as the sun, which is the well-known disagreements between Ibn Masʿūd and ʿUmar, and similarly the disagreement of Abū Mūsā with ʿAlī. Among his disagreements with him was his refusal to pledge allegiance to him and to attend his gatherings, and there is no greater disagreement than this.

Likewise, Zayd's disagreement with Ubayy in the *qirā'āt* and the shares of inheritance is more well known than anything else, clearly the lies of Jābir has become apparent.

The third is that, even if all of this would be authentic, it would still be against them, not for them, because those whom the mentioned companions were allegedly making $taql\bar{\iota}d$ of are not the ones whom the later generations today are making $taql\bar{\iota}d$ of.

So there is no evidence for those who make *taqlīd* of Mālik, Abū Ḥanīfah, and al-Shāfi'ī in the fact that some made *taqlīd* of 'Umar, 'Alī, and Ubayy. It is then instead a *ḥujjah* against them, because if the *taqlīd* of those that came the earliest would be correct, then the *taqlīd* of Mālik, al-Shāfi'ī, and Abū Ḥanīfah is false, and if the *taqlīd* of the earliest ones would be false, then the *taqlīd* of the later ones is even more false.

So it is from the impossible and false to claim that Ibn Masʿūd would make *taqlīd* of ʿUmar or anyone else, especially given what we were narrated from al-Muhallab, from Ibn Manās, from Ibn Masrūr, from Yūnus ibn ʿAbd al-ʿAlā, from Ibn Wahb, who said: I heard Sulaymān narrating from ʿĀṣim ibn Bahdalah, from Zirr ibn Ḥubaysh, from ʿAbdullāh ibn Masʿūd, who said, "Be a scholar or a learner, and do not become a mere followers." Ibn Wahb said, "Sufyān mentioned to me from Abū al-Zarʿāh, from Abū al-Aḥwaṣ, from Ibn Masʿūd, that he said, 'The mere follower among you is the one whose religion is attached to men."

They also argued using the example of a blind person being directed towards the *qiblah* or a person on a ship being guided by the sailors towards the *qiblah* and the time for prayer.

 $^{^{179}}$ Al-Musnad by Al-Bazzār 2071, 5/435 | Al-Mustadrak by Al-Ḥākim 7178, 4/146

There is no *hujjah* in any of this for them, because this is in the category of accepting news, not in the category of accepting *fatwā* without evidence, nor in the category of prohibiting something that was permissible, or obliging something that was not obligatory, or omitting the obligation of something that is obligatory. What they mentioned is not *taqlīd*; it is only an information, and the people have *ijmā* on accepting the *khabar al-wāḥid* in many matters, such as accepting gifts, matters related to marriage, or accepting a woman's statement, whether she is a Muslim or a *dhimmiyyah*, that she is pure, thereby permitting intercourse after it was prohibited by menstruation, and other cases. So, accepting the information given by someone to a blind person regarding the time and direction of the *qiblah*, this is a matter for which evidence is established for its validity. Most of these matters are known by necessary knowledge and natural inclination. So it is invalid to claim that what they mentioned is *taqlīd*.

And some of them also argued using the verse of Allāh, "And follows the religion of Ibrāhīm, inclining toward truth" [An-Nisā': 125].

This is sheer audacity because what Allāh orders is not $taql\bar{\iota}d$, but a decisive necessary evidence. $Taql\bar{\iota}d$ is following someone whom we have not been ordered by Allāh to follow.

The $taql\bar{\iota}d$ that we oppose them on is taking the saying of someone other than the Prophet , whom our Lord did not order us to follow, without any evidence to support his saying, but merely because someone said it. This is what is false. But those who do not fear Allāh, Exalted is He, are overwhelmed by the truth and are incapable of supporting falsehood, so they desire to perpetuate their position, not caring where that leads towards. So they name adherence to the truth, while has been proven by evidence, as $taql\bar{\iota}d$, and they name the acceptance of the report of a $khabar\ ul-w\bar{a}hid\ taql\bar{\iota}d$, and name $ijm\bar{a}$ as $taql\bar{\iota}d$. They even name following the Prophet in what he ordered regarding following the religion of Ibrāhīm as $taql\bar{\iota}d$.

If they want us to validate these meanings in these specific cases, then they are correct because the *naṣṣ* is established on their obligation, it is nothing other than revelation from Allāh. But if they wish to use this as a gateway to justify *taqlīd* of Mālik, al-Shāfiʿī, and Abū Ḥanīfah, companions or others, then that is *ḥarām* and invalid. There is nothing in following the religion of Ibrāhīm that which obliges following Mālik, al-Shāfiʿī, or Abū Ḥanīfah because they are not Ibrāhīm, whom we were ordered to follow. We



were never ordered to follow these individuals. This is like someone calling a swine a ram and a ram a swine. That doesn't make the swine *ḥalāl* or the ram forbidden.

Similarly, we only prohibit following anyone other than the Prophet without evidence and obligate following that which evidence has established as obligatory. We do not care about those who confuse names, calling the truth *taqlīd* and falsehood *taqlīd*, as we have clarified before and after that the great affliction that has befallen people and allowed the people of evil, corruption, and *safsaṭah* to prevail over them has come from the confusion of names and the intermingling of the meanings associated with them.

That is why we have called in our books for the distinction of meanings and for each meaning to be given its specific name. If we find in the language a shared name, we clarify the meanings that fall under it and differentiate each meaning by its own definitions and attributes that distinguish it from other meanings, so that the truth may become clear, and those who perish do so upon clear evidence, and those who live do so upon clear evidence. May Allāh, Exalted is He, confound those who confuse people. With Allāh, Exalted is He, lies success.

And they argued with what Muḥammad ibn Saʿīd ibn Nabāt narrated to us, and Aḥmad ibn ʿAwn Allāh narrated to us, and Qāsim ibn Aṣbagh narrated to us, and al-Khushanī narrated to us, and Bandār narrated to us, and Ghundar narrated to us, and Shuʿbah narrated to us, and ʿAmr ibn Murrah narrated to us, from Ḥuṣayn from Ibn Abī Laylā, who said, "Our companions narrated to us that when they prayed with the Prophet , and if a man entered (the prayer), they would gesture to him to join and make up what he missed. Among them were those standing, bowing, sitting, and praying with the Messenger of Allāh until Muʿādh came, saying, 'I would not see him in any state except that I would be with him.' The Messenger of Allāh then said, 'Muʿādh has introduced for you a practice, so do likewise.'"

This is a *ḥadīth*, as you see, in which Ibn Abī Laylā does not mention who narrated it to him. The pronoun in 'they were' does not clarify that it refers to the narrators of Ibn Abī Laylā. Rather, it might refer to the Companions other than the narrators of Ibn Abī Laylā. And truths are not

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¹⁸⁰ Sunan Abī Dāwūd 506



taken by doubts. Even if this *ḥadīth* were authentic, it would not be an argument for two reasons:

Those who make *taqlīd* of them are not Muʻādh. Even if making *taqlīd* of Muʻādh would be valid in this specific issue, it be nothing but an invalidation of making *taqlīd* of Mālik, Abū Ḥanīfah, and al-Shāfiʻī.

The act of Muʿādh did not become a Sunnah except when the Messenger of Allāh ordered it. When it was ordered, it became a Sunnah, not because of Muʿādh's action. The meaning of 'Muʿādh introduced a practice' is then that he did something that Allāh made a sunnah for you, and it only became a sunnah when the Messenger ordered it, otherwise it would never be a sunnah.

This is while the narration is weak as it is a *mursal*, which is not an evidence, we have also narrated from Mu'ādh what nullifies the assumption about this $had\bar{\imath}th$ and what nullifies $taql\bar{\imath}d$.

That is what Abū Muḥammad narrated, "Muḥammad ibn Sa'īd al-Nabātī narrated to us, and Ahmad ibn 'Awn Allāh narrated to us, and Qāsim ibn Aşbagh narrated to us, and Muḥammad ibn 'Abd al-Salām al-Khushanī narrated to us, and Muḥammad ibn Bashār Bundār narrated to us, and Ghundar narrated to us, and Shu'bah narrated to us: 'Amr ibn Murrah informed me, saying: "I heard 'Abd Allāh ibn Sulaymah say: Mu'ādh ibn Jabal said: 'O Arabs, how will you deal with three matters: a worldly affair that cuts your necks, the slip of a scholar, and the argument of a hypocrite with the Qur'ān?' They remained silent, and Mu'ādh said: 'As for the scholar, if he is guided, do not make taqlīd of him in your religion; and if he is misguided, do not cut off your ties with him. For indeed, the believer, may be misguided and then repent. As for the Qur'an, it has a marker, like the marker on the road, which is not hidden from anyone what you know from it, do not ask anyone about it, and what you do not know, leave it to its knowledgeable authority. As for the world, whoever Allāh has placed wealth in his heart has succeeded, and whoever does not, his worldly affairs will not benefit him.""181

May Allāh have mercy on Muʿādh, he has proclaimed the truth and prohibited *taqlīd* in all matters. He ordered following the apparent meaning of the Qurʾān, to not be concerned with who oppose, and to stop (make

¹⁸¹ Al-Mu'jam Al-Awsat 8715, 8/307



tawaqquf) at what is unclear. This is explicitly our madhhab, and by Allāh's grace, there is success.

It is astonishing that they use that narration as evidence, and no one knows why. If they intended by this the $taql\bar{\iota}d$ of Muʿādh and that he used to introduce new practices, then it has also come from him that he would inherit a Muslim from a $k\bar{a}fir^{182}$, so do they must make $taql\bar{\iota}d$ of him in this too? Otherwise, they have played in their religion. And if they use this as evidence for the obligation of $taql\bar{\iota}d$ of Abū Ḥanīfah, Mālik, and al-Shāfiʿī, this is stupidity; no one has ever heard of anything more ridiculous. How could the $taql\bar{\iota}d$ of Muʿādh be compared to the $taql\bar{\iota}d$ of these individuals?

Some of them used as evidence the saying of Allāh, Exalted is He, "Muḥammad is the Messenger of Allāh, and those with him are severe against the disbelievers, merciful among themselves" [Al-Fath: 29].

And His saying, Exalted is He, "Indeed, Allāh was pleased with the believers when they pledged allegiance to you under the tree" [Al-Fath: 18].

And His saying, Exalted is He, "Allāh has promised the best [reward]" [An-Nisā': 59].

And His saying, Exalted is He, "And the forerunners, the first [to embrace Islām] among the Muhājirīn and the *Anṣār*" [At-Tawbah: 100].

They say, "Whoever Allāh praises, his word is further from error and closer to correctness."

They also use as evidence the saying attributed to the Prophet $\stackrel{\text{\tiny{de}}}{=}$, "Adhere to my *sunnah* and the *sunnah* of the rightly-guided caliphs after me." 183

And what was narrated about him in the hadīth, "Follow the two after me, Abū Bakr and 'Umar." ¹⁸⁴

And they say, "The Companions witnessed the revelation, so they are most knowledgeable about what they witnessed."

Some of them said, "The sayings of the caliphs from the Companions are rulings, and their rulings must not be invalidated."

And they use as evidence the verse, "Obey Allāh and obey the Messenger and those in authority among you" [An-Nisā': 59].

¹⁸³ Sunan Abī Dāwūd 4607

¹⁸² Subul Al-Salām 3/144

¹⁸⁴ Al-Mustadrak by Al-Ḥākim 4498, 8/501



And they use as evidence the narration, "My companions are like stars, whichever of them you follow, you will be guided." ¹⁸⁵

None of this is a *ḥujjah* for them; instead, the verses we recited are a *ḥujjah* against them. As for the verse, "Muḥammad is the Messenger of Allāh, and those with him are severe against the disbelievers, merciful among themselves" [Al-Fath: 29].

And the verse, "Indeed, Allāh was pleased with the believers when they pledged allegiance to you under the tree" [Al-Fath: 18].

And the verse, "And to both, Allāh has promised the best [reward]" [4:95].

And the verse, "And the forerunners, the first [to embrace Islām] among the Muhājirīn and the Anṣār" [At-Tawbah: 100].

All of this is only praise for them, may Allāh be pleased with them, and we do not dispute their praise, and all praise is for Allāh. Rather, we hold them in higher regard and are we more knowledgeable of their rights than those who use these verses as evidence for other than their places.

This is because we only abandon the sayings of the Companions for the saying of Muḥammad , whose rights upon them are the same as his rights upon us, without any distinction. They are obliged to obey him just as we are, equally. As for them, however, they only abandon the sayings of the Companions while they use as evidence their virtue and abandon them for what we mentioned, for the sayings of Abū Ḥanīfa, Mālik, and al-Shāfiʿī.

We only said that the obligation to praise them does not oblige *taqlīd* of them, as the Messenger of Allāh mentioned that Abū Bakr and 'Umar, who are the best of their men after the Messenger of Allāh, made mistakes, we have mentioned dozens of them before from the companions.

As narrated to us by Ibn Abī Mulaykah that 'Abd Allāh ibn al-Zubayr said, "A delegation from Banū Tamīm came to the Prophet. Abū Bakr suggested that al-Qa'qā' ibn Ma'bad ibn Zurārah should be appointed (as a leader), while 'Umar said that instead, al-Aqra' ibn Ḥābis should be appointed. Abū Bakr said, 'You only intend to oppose me!' 'Umar replied, 'I did not intend to oppose you!' They argued until their voices were raised, and then the following was revealed, 'O you who have believed, do not raise your voices above the voice of the Prophet , nor speak loudly to him as you do

¹⁸⁵ Jāmi al-Bayān 2/91



to one another, lest your deeds become worthless while you perceive not." [Sūrah al-Ḥujurāt, 49:2]¹⁸⁶

And al-Zubayr narrated, "'Umar, after this event, would speak so quietly to the Prophet # that the Prophet # would ask him to repeat himself." 187

And Ibn Abī Mulaykah narrated, "Ibn al-Zubayr mentioned: 'The two righteous ones (Abū Bakr and 'Umar) were on the verge of destruction because they raised their voices in the presence of the Messenger of Allāh "188"

And Abū Hurairah Narrated, "A man came to the Prophet and said, 'I saw a dream last night.' Abū Bakr interpreted it, and the Prophet said: 'You were correct in some parts and incorrect in others.' Abū Bakr then said, 'I swear by you, O Messenger of Allāh, by my father, tell me where I was wrong.' The Prophet said, 'Do not swear." 189

Whoever makes a mistake, it is not permissible for his saying to be accepted without valid certain evidence with him to confirm it. Even when the Prophet would have an intention regarding a matter that did not align with the will of his Lord, Allāh would not let him persist in it without clarification. As for Abū Bakr, may Allāh be pleased with him, he sought from the Prophet an explanation of where he went wrong in his interpretation, but the Prophet did not explain it to him.

As for what they cling to from what has been reported of the Prophet **s saying to Abū Bakr and 'Umar, "If you two had not disagreed with me, I would not have opposed you." 190

The first point is that this narration is not authentic. Ḥabīb, the scribe of Mālik, al-Wāqidī, ʿĀṣim ibn ʿUmar ibn Ḥafṣ are all weak.

Even if it would be authentic, it would be a hujjah against making $taql\bar{\imath}d$ of them, because the matter there was about him preventing from taking their sayings in worldly matters, so we are obliged to follow him and not take their $ra\ \bar{\imath}$ in matters of religion as well in general. This is clear.

As for the Prophet **s saying, "Follow my Sunnah and the Sunnah of the rightly-guided caliphs," we know that the Prophet **does not order

¹⁸⁶ Sahīh al-Bukhārī 4367

¹⁸⁷ Şaḥīḥ al-Bukhārī 7302

¹⁸⁸ Sahīh al-Bukhārī 4845

¹⁸⁹ Sahīh al-Bukhārī 7046

¹⁹⁰ Al-Mu'jam al-Awsat 3283, 12/216-217

something that is impossible to do. And we find that the rightly-guided caliphs after him differed greatly with each other with thousands of differences. So there is no other way than three possibilities for which there is no fourth:

Either we accept everything they differed on, and this is impossible and no one is able to because there is in it a thing and its opposite, and there is no way to the ruling of giving the grandfather inheritance without the brothers, according to Abū Bakr and 'Ā'isha, and at the same time giving him only one-third and the rest to the brothers, according to 'Umar, and giving him one-sixth and the rest to the brothers, according to 'Alī. The same applies to every single other matter in which they disagreed. So this position is false and impossible because it is beyond anyone's ability to carry out.

Or it is permissible for us to choose whichever of their sayings we like and this is an exit from Islām, because it is leaving Allāh's religion to our own choice, allowing each one of us to prohibit or permit as he pleases, with one person forbidding what another permits.

Allāh says, "This day I have completed for you your religion and completed My favor upon you" [Al-Mā'idah: 3].

And His saying, "These are the limits of Allāh, so do not transgress them" [Al-Baqarah: 229].

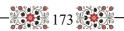
And His saying, "And do not dispute!" [Al-Anfāl: 46].

This invalidates this corrupt saying and necessitates that what was prohibited at that time remains prohibited until the Day of Judgment, and what was obligatory at that time remains obligatory until the Day of Judgment, and what was permissible at that time remains permissible until the Day of Judgment.

And also, if this would be the case, then if we took one saying of one of them, we would have left the saying of the other, and there is no way out of that situation.

So we would not be following their Sunnah, and we would be opposing the narration, whether we wish to or not. Indeed.

Ibn Ḥazm said, "This reminds me of a case in which a *muftī* we had in Al-Andalus, he was ignorant, and it was his habit to favour two men, who were the main sources of issuing *fatwās* at that time. He used to write under their *fatwās*, 'I say what the two *shaykhs* said.' It happened that those two *shaykhs* disagreed. When he wrote under their *fatwās* what we mentioned,



someone who was present said to him, 'The two *shaykhs* have disagreed.' He replied, 'Then I also disagree based on their disagreement!'"

Since these two views have been invalidated, there remains only the third view, which is to take what they have a real $ijm\bar{a}$ on. This is found only in what all the Companions agreed upon along with them, and in their adherence to the Sunnah of the Prophet and upholding it, which is all nothing other than only following the rulings of the Prophet in the manner we clarified before.

And also if the Messenger ordered the following of the Sunnah of the rightly-guided Caliphs, then this necessarily does not cease to be from one of two possibilities: either the Prophet # permitted them to establish new Sunnahs other than the Prophet # himself, which no Muslim says, and whoever permits this has disbelieved, apostatized, because the entire religion is either obligatory or non-obligatory, either prohibited or permissible. There is no category in the religion other than these. Whoever permits for rightlyguided Caliphs to have a Sunnah that the Messenger of Allāh # did not make a Sunnah has permitted them to make *ḥarām* something that was *ḥalāl* during the lifetime of the Prophet until his death or to make halāl something that the Messenger of Allāh # made ḥarām, or to make wājib something that the Messenger of Allāh # did not make wājib, or to omit the obligation of the wājib that the Messenger of Allāh # made had made wājib. And all these, whoever allows any of these, he is a $k\bar{a}$ fir mushrik by the ijm \bar{a} of the entire Ummah without any disagreement, and with the success from Allāh, this view has been nullified, praise be to Allāh.

As for it being an order to follow them in their adherence to the Sunnah of the Prophet , then this is just as we say, and this narration is not understood in a different way at all.

Some of them said that, "We only follow in matters in which there is no Sunnah for."

As nothing remains except this, their tumult falls, and there is nothing in the world except that there is a Sunnah explicitly stated for it. And this as well is part of the four categories as well, following them in matters for which there is 'no Sunnah' does not cease to be prohibiting what is not prohibited by the revelation, permitting what is prohibited by the revelation, making obligatory what was not made obligatory by the revelation or removing the obligation of something that the revelation made obligatory, all of these are



kufr. We have clarified this in the chapter on the falsehood of $qiy\bar{a}s$ in this book of ours, and with the success from Allāh.

They use as evidence the narration narrated by 'Abdullāh ibn Rabī', "Muḥammad ibn Mu'āwiyah told us, Aḥmad ibn Shu'ayb told us, Muḥammad ibn Bashār told us, Abū 'Āmir told us, Sufyān — who is al-Thawrī — from al-Shaybānī — who is Abū Isḥāq — from al-Sha'bī, from Shurayḥ, that he wrote to 'Umar asking him, so 'Umar wrote to him, 'Judge by what is in the Book of Allāh. If it is not in the Book of Allāh, then by the Sunnah of the Messenger of Allāh . If it is not in the Book of Allāh nor in the Sunnah of the Messenger of Allāh then judge by what the righteous people judged by. If it is not in the Book of Allāh, nor in the Sunnah of the Messenger of Allāh and the righteous people have not judged concerning it, then if you wish, proceed, and if you wish, refrain, and I do not see refraining except as better for you, and peace."

We have mentioned this narration before, it is not a hujjah for them, it is not from the Prophet. And 'Umar did not say, "Judge by what only some of the righteous people judged by," he instead said, "Judge by what the righteous people judged by." This is all of them, not some of them so it is about the $ijm\bar{a}$ of all the righteous. If this narration would be authentic, and in this narration, there is 'Umar's permission to abandon judging by $qiy\bar{a}s$ and his preference for that.

And as for the narrations they argue with which are about the order of adhering to the Sunnah of the Rightly Guided Caliphs, this is a *hujjah* against them, because the Sunnah of all the Rightly Guided Caliphs, without any disagreement, is that none of them made *taqlīd* of anyone, nor did they make *taqlīd* of each other, but they sought the Sunnah of the Messenger of Allāh wherever they found it, and they turned to it and acted upon it. And 'Umar, may Allāh be pleased with him, rebuked with the most severe rebuke a man who asked him about a matter regarding *ḥajj*. After he gave him a verdict, the man said, "This is how the Messenger of Allāh gave a verdict." 'Umar struck him with a stick and said, "You asked me about something that the Messenger of Allāh had already given a verdict on, and perhaps I would have opposed him!" We narrated this through the *ṭarīq* of 'Abd al-Razzāq¹⁹².

¹⁹¹ Sunan al-Kubrā 5911, 5/406

¹⁹² Sunan Abī Dāwūd 2004



And 'Umar, may Allāh be pleased with him, said, "Ra' $\bar{\imath}$ from us is an hardship, but the ra' $\bar{\imath}$ of the Prophet was truth."¹⁹³

So whoever wants to follows them should follow them in this agreement of theirs on abandoning $taql\bar{\imath}d$ and their $ijm\bar{a}$ on following the Sunnah of the Prophet and their prohibition of unnecessary burden. In this way, one would be in agreement with the truth and the word of Allāh and the word of His Messenger.

These Caliphs were even opposed by some in their time. 'Umar opposed Zayd, 'Alī, and others, and 'Uthmān opposed 'Umar, and 'Umar opposed Abū Bakr in many rulings. None of them said to those who opposed them, "Why do you oppose me, while I am an *imām*?" If *taqlīd* of them had been obligatory, they would not have allowed anyone to act in opposition to what was obligatory.

As for the misleading argument of those who use Allāh's statement, "And (obey) those in authority among you" [An-Nisā': 59], this verse in reality nullifies $taql\bar{\iota}d$, in a manner that is beyond doubt. It is the greatest hujjah against them, because Allāh only ordered obedience to them in what they have conveyed to us from the Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$, not in anything else.

If they say, "No instead it is an order to obey them in their ijtihād."

The answer: The falsehood of this zann has preceded. Then, even this claim of them would be accepted, adhering to their $ijtih\bar{a}d$ would apply on nothing except on all of them (which is $ijm\bar{a}$), not some of them, because Allāh did not say, "Some of those in authority among you."

And he only ordered us to follow all of the people of authority among us, and they are all *ahl ul-'ilm* from the Prophet in the manner we clarified before, when they are in $ijm\bar{a}$ on a matter. There is then no disagreement about the obligation to follow them when they are in consensus.

Allāh made this clear in the exact same verse and did not leave us in confusion. He said, "And if you differ in anything, refer it to Allāh and the Messenger" [An-Nisā': 59]. In this, Allāh removed the referral to those in authority in case of disagreement, and obliged referring back to the Qur'ān and the Sunnah alone. He only ordered obedience to those in authority when there is no dispute (which is also only the Qur'ān and Sunnah). And this is our statement, all praise is due to Allāh.

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 $^{^{193}}$ Al-Muṣannaf by Ibn Abī Shaybah 30105, 6/136

As for the narration that states, "Muʿādh established for you a Sunnah," we have said that this $had\bar{\imath}th$ is weak. Even if it would be authentic, there is no hujjah in it for them because following the $im\bar{a}m$ during $ruk\bar{u}$ 'and $suj\bar{u}d$ is not because Muʿādh did it, but because the Prophet approved it and ordered it. It would never be a Sunnah if the Prophet had not made it a Sunnah.

He said, "When you catch the prayer with him, then pray, and when you miss it, complete it." 194

Otherwise, Muʿādh prolonged the prayer in a way that angered the Prophet, and he prohibited him from repeating it.

If what Muʿādh did was a Sunnah, then prolonging the prayer when leading others would be a Sunnah, and this is a clear mistake. It is clear, then, that the actions of Muʿādh or anyone else do not constitute any Sunnah unless the Prophet and orders it and approves it. This is our saying, not theirs.

As for the narration attributed to the Prophet , "Follow the two who come after me." This is narrated in three different ways, from Ibn Masʿūd, Abū Ḥudhaifah and the grandfather of 'Abdullāh ibn Abī al-Hudhail al-'Anazī¹⁹⁵, this is a ḥadīth that is weak because those routes do not cease to be narrated from a majhūl freed slave of Ribʿī and from al-Mufaḍḍal al-Ḍabbī, who is not a ḥujjah. And then it is filled with the following defects: Yaḥyā ibn Salamah ibn Kuhail, Sālim, 'Abdullāh ibn Hāni', Abū Muḥammad Yaʿqūb ibn Isḥāq ibn Yazīd al-Ḥaḍramī, Hārūn ibn Ziyād al-Missīsī, Ibrāhīm ibn Yūnus, Ḥashraj ibn Nabātah, all of them are weak.

And even if it would be authentic, it would be against them, not for them, because they the followers of Mālik, Abū Ḥanīfa, and al-Shāfiʿī are the most abandoning people of Abū Bakr and ʿUmar.

We have clarified that the companions of Mālik opposed Abū Bakr in which they narrated in al-Muwaṭṭāʾ alone in five cases and they opposed ʿUmar in about thirty issues in al-Muwaṭṭāʾ alone.

We have also mentioned that 'Umar and $Ab\bar{u}$ Bakr differed with each other, and following them in their differences is impossible and no one is able to do it.

¹⁹⁴ Sahīh al-Bukhārī 635

¹⁹⁵ Sunan Al-Tirmidhī 3662, 3805 | Fawā'id Tamām 1732, 2/276 | Tārīkh Dimashq by ibn 'Asākir 44/233 | Juz' by Bībī 118

The only <code>ṣaḥīḥ</code> narration in this matter is what Abū Muḥammad narrated, "Some of our companions gave me and also narrated to who is Yūsuf ibn 'Abdullāh ibn 'Abd al-Barr al-Namarī, both from Abū al-Walīd 'Abdullāh ibn Yūsuf al-Qāḍī, from Ibn al-Dakhīl, from al-'Aqīlī, who narrated, Muḥammad ibn Ismā'īl narrated to us, Ismā'īl ibn Abī Uways narrated to us from 'Abdullāh ibn Abī 'Abdullāh al-Baṣrī and Thawr ibn Yazīd al-Dīlī from 'Ikrimah from Ibn 'Abbās who said: The Prophet 'said, 'Understand, O people, my words, for I have conveyed [the message], and I have left with you, O people, that which, if you hold onto it, you will never go astray: the Book of Allāh and the Sunnah of His Prophet .""

And with the same <code>isnād</code> till al-'Uqaylī, "Mūsā ibn Isḥāq narrated to us, Muḥammad ibn 'Ubayd al-Muḥāribī narrated to us, Ṣāliḥ ibn Mūsā al-Talḥī narrated to us from 'Abd al-'Azīz ibn Rufay' from Abū Ṣāliḥ from Abū Hurayrah who said: The Messenger of Allāh said, 'I have left among you two things, and if you take them, you will never go astray: the Book of Allāh and my Sunnah, and they will not separate until they come to me at the Pond <code>(ḥawd)</code>.""

As for the narration attributed to the Prophet , "My companions are like stars," this is a weak narration. This <code>hadīth</code> was narrated by Abū al-ʿAbbās Aḥmad ibn ʿUmar ibn Anas al-ʿUdrī, who said, 'Abū Dhar ʿAbd ibn Aḥmad ibn Muḥammad al-Harawī al-Anṣārī narrated to us, 'Alī ibn ʿUmar ibn Aḥmad al-Dāraqūṭnī narrated to us, al-Qāḍī Aḥmad Kāmil ibn Kāmil narrated to us, 'Abdullāh ibn Rūḥ narrated to us, Salām ibn Sulaymān narrated to us, al-Ḥārith ibn Ghuṣayn narrated to us from al-Aʿmash from Abū Sufyān from Jābir who said that the Messenger of Allāh said, "My companions are like stars, whichever of them you follow, you will be rightly guided."

Abū Sufyān is weak and this Ḥārith ibn Ghuṣayn is Abū Wahb al-Thaqafī, and Salām ibn Sulaymān narrates fabricated *ḥadīths*, and this is one of them without doubt.

Abū Muḥammad narrated, "Abū 'Umar Yūsuf ibn 'Abdullāh ibn 'Abd al-Barr al-Namarī wrote to me that this *ḥadīth* was also narrated through the *ṭarīq* of 'Abd al-Raḥīm ibn Zayd al-'Ammī from his father, from Sa'īd

¹⁹⁶ Al-Mu'talaf Wal-Mukhtalaf by al-Daragutnī 4/778



ibn al-Musayyib, from Ibn 'Umar, and through the chain of Ḥamzah al-Jazarī from Nāfī', from Ibn 'Umar.''¹⁹⁷

'Abd al-Raḥīm ibn Zayd and his father are both $matr\bar{u}k$, and Ḥamzah al-Jazarī is unknown.

Abū Muḥammad narrated, "Al-Namarī wrote to me, informing me that Muḥammad ibn Ibrāhīm ibn Saʿīd narrated to him that Abū ʿAbd al-Raḥmān ibn Mufarraj narrated to them, saying that Muḥammad ibn Ayyūb al-Ṣammūt said: 'Al-Bazzār told us, 'As for what is narrated from the Prophet that, 'My companions are like stars; whichever of them you follow, you will be rightly guided,' this is a statement that is not authentic from the Prophet .'""¹⁹⁸

It has become evident that this narration does not hold up at all, and without a doubt, it is fabricated. This is because Allāh, Exalted be He, says regarding His Prophet, "And he does not speak from his own desire. It is nothing but a revelation revealed" [An-Najm: 3-4].

So if his words in the $Shar\bar{\tau}$ and are all the truth then it is from Allāh and what is from Allāh then it cannot contradict at all (in khabar). Allāh also says, "Do they not reflect upon the Qur'ān? If it had been from other than Allāh, they would have found in it much contradiction" [An-Nisā': 82].

And Allāh has forbidden division, differences, and disputes, as He says, "And obey Allāh and His Messenger and do not dispute, lest you lose courage and your strength depart; and be patient, for indeed Allāh is with the patient" [Al-Anfāl: 46].

So it is impossible for the Messenger of Allāh \cong to have ordered the following of every opinion among the Companions may Allāh be pleased with them all, while there are among them those who make a thing $hal\bar{a}l$, and others among them make it $har\bar{a}m$.

If that would be the case, then selling *khamr* would be $hal\bar{a}l$ by following Samurah ibn Jundub¹⁹⁹.

And eating ice while fasting would be permissible by following Abū Talḥah and forbidden by following others among them²⁰⁰.

¹⁹⁷ Al-Jāmi' by ibn 'Abd al-Barr 894, 2/180

¹⁹⁸ Al-Jāmi' by ibn 'Abd al-Barr, 2/180

¹⁹⁹ Sahīh Muslim 1582

²⁰⁰ Musnad Abī Ya'lā 3999, 1424



And refraining from *ghusl* after sexual intercourse if there is no release of semen according to 'Alī, 'Uthmān, Ṭalḥah, Abū Ayyūb, and Ubayy ibn Ka'b²⁰¹, but prohibiting refraining from that and obliging *ghusl* by following 'Ā'ishah and Ibn 'Umar.

And selling fruits before they ripen would be permissible by following 'Umar, but prohibited by following others among them.

All of this is narrated with authentic *asānīd*, and we have mentioned hundreds of this in the previous chapters. We have already clarified earlier that the Prophet informed Abū Bakr that he made a mistake.

The Companions used to express their own $ra\ \bar{\imath}$ during the Prophet $\ref{eq:constraints}$'s lifetime, and he would be informed of this, correcting the one who was right and pointing out the mistake of the one who was wrong.

This practice increased and became more widespread after his death

The best example of this is the $fatw\bar{a}$ of Abū al-Sanābil to Subayʿah al-Aslamīyah that she must wait the longer of the two waiting periods while she already gave birth after her husbands death, and this is what the Prophet rejected, declaring his $fatw\bar{a}$ invalid²⁰².

Another example is when some Companions issued a ruling during the Prophet **'s lifetime that a non-married adulterer must be stoned to death, until the father of the accused ransomed him with one hundred sheep and a servant girl. The Prophet** annulled that settlement and rejected it *203*.

The Prophet also mentioned the seventy thousand from his Ummah who would enter Paradise with faces as bright as the full moon. One of the Companions said, "They are those who were born into Islām," and the Prophet corrected him, stating that his statement was false.

When the Prophet **overslept and missed the dawn prayer, some Companions asked, "What is the expiation for what we did?" Then the Prophet **rejected their saying*²⁰⁴.

And when Ṭalḥah, in the presence of 'Umar, wanted to sell gold for silver on credit. 'Umar rejected this, saying that the Prophet * had forbidden it 205.

²⁰³ Al-Muşannaf by 'Abd al-Razzaq 13310, 7/311

²⁰¹ Al-Musannaf by ibn Abī Shaybah 963-964 1/87

²⁰² Ma'rifah al-Sunan Wal-Āthār 15283

²⁰⁴ Sahīh Muslim 681 | Sunan Abī Dāwūd 441 | Sunan al-Tirmidhī 177

²⁰⁵ Sahīh Muslim 1586, 5/43



Bilāl also traded two $s\bar{a}$'s amount of dates for one $s\bar{a}$ ', and the Prophet annulled the transaction, and told him that this is the essence of $rib\bar{a}$ (usury)²⁰⁶.

And some of the Companions sold Barīrah, stipulating that the allegiance ($wal\bar{a}$) would remain with them, and the Prophet \approx rejected that and reprimanded them²⁰⁷.

And 'Umar once told the people of the migration to Abyssinia, "We are more deserving of the Messenger of Allāh ## than you," then the Prophet ## declared it false²⁰⁸.

And Jābir narrated that they used to sell the *ummuhāt al-awlād* (female slaves who bore children for their masters) while the Prophet * was still alive²⁰⁹.

Abū Saʿīd informed that they used to pay zakāt al-fiṭr during the Prophet *s's lifetime in curd and raisins, but the Prophet only obliged dates and barley²10

And Samurah ibn Jundub would order the women to repeat their prayers of their menstrual periods²¹¹.

And some of the Companions, in the Prophet *s presence, would say, "As for me, I pour water over my head (multiple times) during *ghusl* (ritual bath) for *janābah* (major ritual impurity)." The Prophet *rejected that practice²¹².

And 'Alī used to perform *ghusl* due to pre-seminal fluid while the Prophet $\stackrel{\text{\tiny{de}}}{=}$ was still alive, and the Prophet $\stackrel{\text{\tiny{de}}}{=}$ rejected this²¹³.

And Usayd and others said that when the sword of $Ab\bar{u}$ ' \bar{A} mir al-Ash'arī turned against him, his $jih\bar{a}d$ became null, and they said the same about ' \bar{A} mir ibn al-Akwa'. The Prophet $\stackrel{\text{\tiny{de}}}{=}$ denied this²¹⁴.

²⁰⁶ Musnad Abī Yaʻlā 5710, 10/72

²⁰⁷ Sahīh al-Bukhārī 456

²⁰⁸ Sahīh al-Bukhārī 4230, 4231, 4232

²⁰⁹ Sunan al-Kubrā by al-Nasā'ī 5040, 3/199 | Sunan Abī Dāwūd 3954

²¹⁰ Şahīh al-Bukhārī 1506

²¹¹ Al-Awsat by ibn al-Mundhir 2/202-203

²¹² Sahīh al-Bukhārī 254 | Sunan Abī Dāwūd 239

²¹³ Sunan Abī Dāwūd 206 | Sahīh ibn Hibbān 1107

²¹⁴ Sahīh ibn Hibbān 3271, 4/196



And 'Umar gave a $fatw\bar{a}$ to someone in a state of major impurity while traveling that he must not pray with fayammum for a month, but leave the prayer until he finds water²¹⁵.

And 'Umar told the Prophet ** to pass the cup to Abū Bakr, who was on the Prophet **'s left, but the Prophet ** refused and said that the correct action is to pass it to the person on the right, then the next on the right, and the one on his right was a Bedouin²¹⁶.

And 'Ammār rolled in the dirt as a beast rolls in it (for tayammum), and the Prophet \approx rejected this 217 .

And the Prophet also rejected 'Umar when he called out to him after the Prophet delayed the 'Ishā' prayer, saying, "It was not proper for you to call out to the Messenger of Allāh."

And Usāmah killed a man after he said, "There is no god but Allāh," and Usāmah said, "O Messenger of Allāh, he only said it to seek protection." The Prophet "replied, "Did you open his heart?" And the Prophet "rejected the killing and declared the *ta* 'wīl of Usāmah as false. Usāmah then said, "I wish I had not embraced Islām until that day."

And Khālid said, "Perhaps a person prays with his tongue what is not in his heart," and the Prophet rejected this and disapproved of what Khālid did with Banū Judhaymah²²⁰.

And Some people abstained from things from the actions of the Prophet ## , and the Prophet ## rejected this and became angry about it²²¹.

And 'Umar thought he was wrong when he kissed (his wife) while fasting, but the Prophet accorrected his understanding and informed him that there was nothing wrong with it²²².

And an Anṣārī man made ta wīl of the Prophet kissing while fasting and beginning the day in a state of major impurity while fasting as it

²¹⁵ Sahīh ibn Hibbān 1306

²¹⁶ Sahīh al-Bukhārī 2352, 5612

²¹⁷ Sunan Abī Dāwūd 322-327

²¹⁸ Şahīh ibn Hibbān 5628, 6/462

²¹⁹ Sahīh al-Bukhārī 4269, 6872

²²⁰ Şaḥīḥ al-Bukhārī 4351 | Şaḥīḥ Muslim 1064

²²¹ Sahīh al-Bukhārī 6101

²²² Sunan Abī Dāwūd 2385



being specific ruling for the Prophet $\stackrel{\text{def}}{=}$, but the Prophet $\stackrel{\text{def}}{=}$ corrected his false ta $\dot{w}\bar{l}l$ and became angry about it²²³.

And 'Adī made ta 'wīl of the white thread which is mentioned in the Qur'ān regarding fasting (fajr) as being an actual white rope, while the Prophet was still alive and he corrected his mistake²²⁴.

The greatest of all of these was when the people at Ḥudaybiyyah delayed shaving their heads, slaughtering their sacrifices, and exiting the state of *iḥrām* and all of this while the Prophet ordered them to do so, they refused to carry out his order. The Prophet became angry and complained about them to Umm Salamah, the Mother of the Believers²²⁵.

All of what we have mentioned is preserved with us through authentic $as\bar{a}n\bar{\imath}d$.

And Abū Muḥammad narrated, "Aḥmad ibn 'Umar informed me that Abū Dharr said, 'Zāhir ibn Aḥmad al-Sarkhāsī narrated to me that Abū Muḥammad ibn Zanjūyah ibn Muḥammad al-Naysābūrī narrated to me that Muḥammad ibn Ismā'īl al-Bukhārī narrated to us that Abū al-Na'mān narrated to us that Ḥammād ibn Zayd narrated from Yahyā ibn Sa'īd, who said, "'Umar judged in the case of the thumb and the one next to it as twenty-five, and Sa'īd mentioned that later it was found in the book of the family of al-Ḥazm that for the fingers it is ten (lashes for each). Then he took from that."'226

And Abū Muḥammad narrated, "Muḥammad ibn Saʿīd informed me that Aḥmad ibn ʿAwn Allāh narrated to me that Qāsim ibn Aṣbagh narrated to us that al-Khushanī narrated to us that Bandār narrated to us that Yahyā al-Qaṭṭān narrated from Shuʿbah from Abū Isḥāq from Masrūq, who said, 'I asked Ibn ʿUmar about the invalidation of the *witr* prayer. He said: 'I did not narrate it from anyone; it is merely my opinion.'"

How can it be permissible to make $taql\bar{t}d$ of a people that make mistakes and are sometimes right? How can it be permissible for a Muslim who fears Allāh, the Exalted, to say about the $fatw\bar{a}$ of a companion that it cannot have been possible that their saying must have been based on their

²²³ Muwatta Mālik 13, 1/291

²²⁴ Şaḥīḥ al-Bukhārī 4509

²²⁵ Al-Sunan al-Kubrā 10076, 5/352

²²⁶ Al-Muşannaf by 'Abd al-Razzaq 17698, 9/384

²²⁷ Musnad ibn al-Ja'd 354, 1/357



own $ra'\bar{\imath}$? Everything we have mentioned, they said based on their $ra'\bar{\imath}$ and were mistaken in it.

Abū Muḥammad narrated, "Muḥammad ibn Saʿīd ibn Nabāt narrated to us that Aḥmad ibn 'Awn Allāh narrated to us that Qāsim ibn Aṣbagh narrated to us that al-Khushanī narrated to us that Bandār narrated to us that Shu'bah said: 'I heard Abū Isḥāq narrate from a man of Banī Sulaym who said: 'I heard Ibn 'Abbās say regarding 'azl (coitus interruptus), 'If the Messenger of Allāh said something about it, then it is as he said. But as for me, I say based on my ra 'ī: It is your seed; if you wish, you water it, and if you wish, you leave it dry."

And 'Alī, on his way to Ṣiffīn, said, "This is a $ra'\bar{\iota}$ think; the Messenger of Allāh $\stackrel{\text{def}}{=}$ did not entrust me with anything in this matter." ²²⁹

'Umar said, "Our ra'ī is just a constraint."230

Mu'āwiyah said regarding the sale of gold for gold with a difference in quantity, "This is a ra \bar{i} ." 231

Ibn Mas'ūd said regarding the story of Bur'a bint Wāshiq, "I will say with my ra' $\bar{\imath}$: If it is true, it is from Allāh; if it is false, it is from me, and by Allāh, Allāh and His Messenger are free of it."

'Imrān ibn al-Ḥuṣayn mentioned the mut 'ah of hajj, and said, "A man ('Umar) spoke about it with his ra ' $\bar{\imath}$."²³³

'Ubaydah said to 'Alī, "Your ra' \bar{i} regarding the group is more beloved to us than your ra' \bar{i} regarding division."²³⁴

Abū Hurayrah said in the narration about spending and added at the end an addition. It was said to him, "Is this from the Messenger of Allāh *?" He said, "No, this is from the pocket of Abū Hurayrah."²³⁵

And we mentioned the complete narrations about these and many other narrations like these before.

²²⁸ Ḥadīth Ibn Shādhān part 8, 52, page 12

²²⁹ Sunan Abī Dāwūd 4666

²³⁰ Al-Sunan Al-Kubrā 20358

²³¹ Sharḥ Maʿānī al-Āthār 5802

²³² Al-Mu'jam al-Kabīr 1087, 20/232

²³³ Al-Mu'jam al-Kabīr 1022, 18/135

²³⁴ Al-Sunan al-Kubrā by al-Bayhaqī 21794, 10/583

²³⁵ Sahīh al-Bukhārī 5355, 7/63



So they, may Allāh be pleased with them, acknowledged that they spoke based on their ra \bar{t} and that they make mistakes in that, so it is established by that the invalidity of the statement of those we mentioned.

Abū Muḥammad narrated, "'Abdullāh ibn Yūsuf narrated to us from Aḥmad ibn Fatḥ from 'Abd al-Wahhāb ibn 'Īsā from Aḥmad from Muḥammad from Aḥmad ibn 'Alī from Muslim: Abū Kuraib and Isḥāq ibn Rāhūyah and Isḥāq ibn Yūnus said: Abū Kuraib narrated to us that Abū Mu'āwiyah, and the wording is his, both said from al-A'mash, from Muslim, who is Abū al-Duḥā, from Masrūq, from 'Ā'ishah, who said, 'The Messenger of Allāh ipermitted something that some people found distasteful. When this reached the Prophet, he became angry until anger was apparent on his face, then he said, 'What is wrong with people who turn away from what I was permitted? By Allāh, I am the most knowledgeable of them regarding Allāh and the most fearful of Him.'"236

Abū Muḥammad narrated, "Aḥmad ibn 'Umar narrated to us that 'Alī ibn al-Ḥusayn ibn Fahhr and al-Ḥasan ibn 'Alī ibn Shabān and 'Umar ibn Muḥammad ibn 'Irāq said: 'Aḥmad narrated to us that Marwān narrated to us that Abū Ismā'īl Muḥammad ibn Ismā'īl al-Tirmidhī narrated to us that Ḥarmalah from Ibn Wahb was asked about Mālik regarding someone who acted upon two differing narrations, both narrated to him by a trustworthy source from the Messenger of Allāh , 'Do you see this as being expansion?' He said, 'No, by Allāh, until he hits the truth, and the truth is only in one of them. The truth cannot be in two differing opinions, the truth is only in one."'237

This is a hujjah against the Mālikīs who claim to follow those they have relied upon from the companions, and they have differed. So, it has been established with all we have mentioned that it is not permissible to follow any $fatw\bar{a}$ of a companion or a $t\bar{a}bi'\bar{\imath}$ or anyone below them, except if a nass or $ijm\bar{a}$ exists obligating it.

So, the belief becomes invalid of the one that believes in what is narrated from a companion in which he opposes what is authentic from the Prophet $\stackrel{\text{\tiny{de}}}{=}$ that such sayings could not have been a ra $\stackrel{\text{\tiny{T}}}{=}$ from them, and it is established that one among them can be mistaken in what he says based on his ra $\stackrel{\text{\tiny{T}}}{=}$, which contradicts what has been established from the Prophet $\stackrel{\text{\tiny{M}}}{=}$.

²³⁶ Şaḥīḥ al-Bukhārī 6101, 7301 | Şaḥīḥ Muslim 127

 $^{^{237}}$ Al-Faqīh Wal-Mutafaqqih 2/115 | Al-Jāmi $^{\circ}$ 2/162



And they argued by citing 'Umar's prohibition of selling the *ummuhāt al-awlād* and what was narrated from the Sunnah regarding placing hands on the knees in prayer, and from his reply to 'Amr ibn al-'Āṣ when he told him, after having a wet dream, "Take a garment other than your own." He said, "If I did it, it would become a Sunnah."²³⁸

This is not a hujjah for them, in any of it. As for the selling of the *ummuhāt al-awlād*, Ibn Masʿūd and ʿAlī and Zayd ibn Thābit and Ibn ʿAbbās disagreed with ʿUmar about it; they saw it permissible to sell them. So what made ʿUmar more deserving of following than these? We have only prohibited their sale due to an established *naṣṣ* that necessitates that.

Our $z\bar{a}hir\bar{t}$ companions said: "We have only been prohibited from that due to the $ijm\bar{a}$ " of the Ummah on the prohibition of selling them if they are pregnant. Then they differed regarding their sale after delivery."

And we say: We will not abandon what we have agreed upon unless by a naṣṣ or another $ijm\bar{a}$ because of our consistency in $istiṣh\bar{a}b\ ul-h\bar{a}l$.

As for placing the hands on the knees, it has been established through the narration of Abū Ḥumayd al-Sāʻidī from the Prophet $\frac{1}{2}$ that he placed his hands on the knees in $ruk\bar{u}^{,239}$.

As for 'Umar's statement, "If I did it, it would become a Sunnah," it is not as the ignorant one who argues with this for *taqlīd*.

But the meaning of this is, "If I did it, the ignorant people would make *taqlīd* of me after me and make it a sunnah after me." 'Umar disliked doing something that someone ignorant might make *taqlīd* of him and make it as a Sunnah, just as Ṭalḥah said when he saw someone wearing dyed garments while in a state of *iḥrām*, "Indeed, you are a people who are followed, so perhaps someone will say, 'I saw Ṭalḥah in a dyed garment while in a state of *iḥrām*."

So 'Umar said, "If I did it, it would become a Sunnah," not in the way that something is legislated in the religion that has not been revealed by *wahī*.

²³⁸ Al-Muwatta Mālik 83, 1/50

²³⁹ Sahīh al-Bukhārī 828



Abū Bakr did something similar regarding the grandmother, and he investigated what the Prophet # had done concerning that.

'Umar did likewise concerning seeking permission three times, until Ubayy ibn Ka'b said to him, "O 'Umar, do not be a hardship on the Companions of Muḥammad * ." 'Umar said, "Glory be to Allāh! I only heard something and wanted to verify it," and he retracted his denial of Abū Mūsa's statement²⁴⁰.

And he did not know the ruling on a woman who miscarried until he asked about it and found it with al-Mughīrah ibn Shu'bah. The same happened with the issue of the Magians.

Mu'āwiyah sold a golden container for more than its weight, till 'Ubādah ibn al-Ṣāmit rejected that. It was conveyed to him that the Prophet forbade that.

And 'Umar intended to divide the wealth of the Ka'bah, but Ubayy told him that the Prophet did not do that, so 'Umar refrained.

And he used to hold back menstruating women until they became pure, and then they would perform tawāf around the House, but it reached him that the Prophet had ruled otherwise, so he retracted his statement.

And he also prohibited giving preference in the blood money of the fingers until it reached him that the Prophet # had equated them, so he retracted his statement.

And he did not view that a woman should inherit her husband's blood money until it reached him that the Prophet # had ruled otherwise, so he left his statement and returned to what had reached him.

And he also prohibited the *tamattu* of *hajj*, but when he found out that the Prophet * had ordered it, he retracted his statement.

And he ordered the stoning of a madwoman (majnūnah) who had committed adultery until 'Alī informed him that the Prophet # had said something to the effect that the pen is lifted from the insane, so he retracted from stoning her²⁴¹.

And he also prohibited the use of the names of the Prophets until Talhah informed him that the Prophet # had nicknamed him Abū Muḥammad, so he refrained and did not persist in prohibiting that.

²⁴⁰ Sunan Abī Dāwūd 5181

²⁴¹ Sunan Abī Dāwūd 2031 | Sunan Ibn Mājah 3016



And he intended to stop the *ramal* in *hajj*, but then remembered that the Prophet had done it, so he retracted from what he intended in that matter, and there are many similar instances. And we have mentioned all of these before and more.

So if the Messenger of Allāh informs that his Companions may can be mistaken in their fatwās, how can it be permissible for a Muslim who believes in Allāh and the Last Day to say that the Prophet ordered taqlīd of them in matters in which they have been mistaken? And how can he order following them in statements that they have been forbidden from making? And how can he obligate following someone who makes mistakes? No one attributes such a thing to the Prophet except a sinner or an ignorant person who must necessarily possess one of these two characteristics.

This would destroy the religion, oblige following falsehood, and make something both $hal\bar{a}l$ and $har\bar{a}m$ at the same time, which is beyond the $ma'q\bar{u}l$ and is a lie against the Prophet $\stackrel{\text{\tiny{descen}}}{=}$.

Whoever lies about him will enter the Fire — we seek refuge in Allāh from that.

As for their claim that the Companions (may Allāh be pleased with them) witnessed the revelation $(wah\bar{\imath})$ and therefore are more knowledgeable about it, it would follow that the $t\bar{a}bi$ $\bar{\imath}n$ witnessed the Companions and are the most knowledgeable about them, then it would be obligatory to make $taql\bar{\imath}d$ of the $t\bar{a}bi$ $\bar{\imath}n$, and likewise, this would continue generation by generation until it reaches us, making it obligatory to make $taql\bar{\imath}d$ of us. This is the description of the way of the Christians in following their bishops, and not the way of our religion, and all praise is due to Allāh, Lord of the worlds.

We have said: Everything they argue with regarding what we have mentioned, even if they would be authentic and true, they would still be against them, not for them, because *taqlīd* of the Companions does not oblige *taqlīd* of Mālik, Abū Ḥanīfa, or al-Shāfiʿī.

So it is among the most astonishing of astonishments that they make $taql\bar{\iota}d$ of Mālik, Abū Ḥanīfa, and al-Shāfiʻī, but when this is rejected from them, they seek as arguments justifying the obligation of their $taql\bar{\iota}d$ by the $taql\bar{\iota}d$ the Companions, and this is while they greatly oppose the Companions themselves. Can there be anything more astonishing than this? We seek refuge in Allāh from abandonment.



There is not any of these mentioned $fuqh\bar{a}$ except that each one of them opposes every single one of the Companions in hundreds of cases and in dozens of them. So, what they support is false and they have abandoned what they affirm.

And we have mentioned in the chapter on $ijm\bar{a}$ the falsehood of the statement of those who say one must follow the companion for whom disagreement is not known among the $sah\bar{a}bah$.

And we clarified there that they are inconsistent in this matter, as they have opposed many rulings of 'Umar in the presence of the Muhājirīn and the Anṣār, and it was not narrated from a single one of them any objection to his actions, such as him increasing the fine upon Ḥāṭib for the camel of al-Muzanī by two times and other such rulings. This ruling is well-known and widespread, and none of the ṣaḥābah opposed him in it, nor was it narrated that any of them objected to it.

So they abandoned it, while they witness that the ruling of the companion for whom no disagreement is known among the $sah\bar{a}bah$ is the truth. So they admitted upon themselves that they abandoned the truth and persisted in what they did while knowing.

And it is also said to them: What was the status of the ruling of the single $sah\bar{a}b\bar{\iota}$ for whom no disagreement is known from the companions before it became widespread and well-known? Was it obligatory to follow it, or was it not obligatory? If they say, "It was not obligatory."

They thereby necessitate that such a ruling in religion became obligatory only after it was not obligatory, and this is *kufr* and denial of Allāh's words, "This day I have completed your religion for you" [Al-Mā'idah: 3].

And if they say it was obligatory, then they have necessitated its obligation before it became widespread, and then their corrupt condition of it spreading has fallen away. And this false statement implies that Allāh's religion is subject to anticipation: if it becomes widespread, it is obligatory, and if it does not become widespread, it is not obligatory. And this is clear kufr, shirk, and foolishness. And by Allāh is success.

They also oppose 'Umar and Zayd ibn Th \bar{a} bit in 'Umar's ruling concerning the blood money of the rib being a camel, and the clavicle being a camel 242 .

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²⁴² Muwatta Mālik 3199, 5/1263



And Zayd's ruling concerning the blood money on the fully damaged eye for one hundred $d\bar{n}a\bar{r}s^{243}$.

And not a single opposition is known to them from any of the saḥābah till one of them (the madhāhib) judged contrary to theirs, and they did not hesitate to lie, claiming that these two was merely a form of ḥukūmah from both of them.

This is a false claim, with no evidence at all to support its validity, and no one is incapable of making false claims.

It is said to them in the same manner about the assessment $(taqw\bar{t}m)$ of blood money at one thousand $d\bar{t}n\bar{a}rs$, ten thousand dirhams, or twelve thousand dirhams, and without difference.

And they opposed Ibn 'Umar and Abū Barzah in the saying of both of them that any two transacting parties have the right to revoke their transaction as long as they have not physically parted from the place of sale, and no opposing view is known from the *şaḥābah*.

And Mālik opposed Ibn 'Umar, and Ibn 'Abbās in the saying of both of them that the ability to perform *ḥajj* is only of about provisions and a mount²⁴⁴.

And they opposed Jābir ibn 'Abd Allāh, who prohibited the selling of *maṣāḥif* (written Qur'āns), and no opposing view is known from Ibn 'Umar, Ibn 'Abbās, or Jābir in these issues from the *ṣaḥābah*.

And Mālik and al-Shāfi'ī, opposed Umm Salamah and 'Uthmān ibn Abī al-'Āṣ, in their statement that the maximum duration for post-natal bleeding ($nif\bar{a}s$) is forty days, and no opposing view is known from the $sah\bar{a}bah^{245}$.

And Mālik opposed Ibn Mas'ūd, Abū al-Dardā', al-Zubayr, and Qudāmah ibn Maz'ūn regarding the permissibility of the marriage of a sick person and the inheritance of his wife, and no opposing view is known from the ṣaḥābah.

And they opposed Abū Bakr, 'Umar, Khālid ibn al-Walīd, and Suwayd ibn Muqarrin in their ruling of retaliation for a mere slap, and no opposing view is known from the *şahābah* in this matter²⁴⁶.

²⁴³ Muwatta Mālik 3183, 5/1257

²⁴⁴ Muwatta Mālik 38, 1436, 2/748

²⁴⁵ Sunan ibn Mājah 648

²⁴⁶ Al-Muṣannaf by ibn Abī Shaybah 15/308-310

We have invalidated in the chapter on *ijmā* the statement of those who claim that one must follow the majority, and these are text oblige that this is *taqlīd* and is from the chapter of *taqlīd* while they claim that it is *ijmā*, so it is necessary to remark this out also in the chapter on *ijmā* for that reason. We have also clarified there and in the chapter on narrations of this book the falsehood of the statement of those who claim it is impossible for a ruling of the Prophet to be unknown to the majority and known only to the minority. We mentioned against this the *ḥadīth* of Abū Hurayrah: "My brothers from the Muhājirīn were preoccupied with trading in the markets, and my brothers from the Anṣār were preoccupied with tending to their wealth, but I was a poor man who stuck close to the Messenger of Allāh."

While this $had\bar{\imath}th$ is transmitted through the $tar\bar{\imath}q$ of $\bar{a}h\bar{a}d$, the certain decisive evidence compels us to accept its truth, because there is no doubt for anyone with intellect and knowledge of the narrations that the $sah\bar{\imath}abah$, may Allāh be pleased with them, were in a state of severe hardship, constantly working in trade, traveling across the harsh and vast lands of the Arabs despite its lack of wealth, and laboring intensely in the date palms. If one of them found a moment of respite, they would attend and listen. Therefore, the statement of those who say that it is not possible for the ruling of the Prophet to be unknown for the most and only by the minority is invalid and false.

And the opposite of that is established for what we have mentioned, and by Allāh's guidance is success. We also say to those who claim to follow the majority: it is obligatory upon you to count all of them, then know who held one of the two views and you must know the number of those who supported the second opinion.

This is something they have never done in any of their issues. And Allāh, the Exalted, said, "O you who believe! Why do you say what you do not do? It is greatly detestable in the sight of Allāh that you say what you do not do" [Aṣ-Ṣaff: 2-3].

We also say to them: Why did you not also use the majority for matters of testimonies if they disagree, as 'Alī used to say this. So where is your *taqlīd* of the companion who was also the *imām* and where is your claim of following the majority? If they say, "The *naṣṣ* prevents us from doing that," they abandon their claim that the companion is more knowledgeable than us.

There is no doubt that 'Alī may Allāh be pleased with him knew the text regarding testimony as well as Mālik, Abū Ḥanīfa, and ash-Shāfi'ī did. While the *naṣṣ* concerning the number of witnesses came only in cases of adultery, divorce, and debts. And also, the companions retracted from one opinion to another, and each *imām* opposed the one before him. Such as stray animals during 'Umar's time were left untouched, but then 'Uthmān saw them being sold. We have already mentioned what 'Umar opposed Abū Bakr on before.

Also 'Uthmān prohibited performing *qirān* for *ḥajj*, then 'Alī performed it, intending to openly declare his opposition. When 'Uthmān confronted him, 'Alī responded, "I would never abandon the Sunnah of the Prophet of for anyone's opinion."²⁴⁷

Abū Muḥammad narrated, "Aḥmad ibn 'Umar ibn 'Umar told me: Abū Dharr told us: Zāhir ibn Aḥmad told us: Zanjuwayh ibn Muḥammad told us: Muḥammad ibn Ismā 'īl al-Bukhārī told us: Muḥammad ibn Yūsuf told us: Sufyān from Aslam al-Minqārī from 'Abdullāh ibn 'Abd ar-Raḥmān ibn Abzā from his father said, 'I said to Ubayy ibn Ka'b when people got involved in the matter of 'Uthmān, 'O Abū al-Mundhir, what is the way out of this matter?'' He said, 'The Book of Allāh, the Exalted. Whatever is clear to you, act upon it, and whatever is unclear, refer it to its scholar.'"

Let them then make *taqlīd* 'Alī and Ubayy in this matter, for they are upon clear truth in it, and it is not permissible to oppose it in any way.

And 'Umar, 'Alī, Ibn 'Abbās, and Ibn Mas'ūd, all believed that excess from inheritance must be given to the distant relatives, while Zayd ibn Thābit alone held that the excess must be given to the *bayt ul-māl* instead of the distant relatives.

And if our opponent is Mālikī or Shāfi'ī, they have abandoned the sayings of the *a'immah* of the companions and the majority of them, and have taken solely Zayd's saying. They have done the same regarding the matter of menstrual cycles ($qur\bar{u}$ '), saying that the waiting period is during purity, while the majority of the companions held it is during menstruation, and the minority held it is during purity.

If they say, "A *naṣṣ* of the Prophet has mentioned, 'Zayd is the most knowledgeable among you in the rulings of inheritance." ²⁴⁸

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²⁴⁷ Şaḥīḥ al-Bukhārī 1563

²⁴⁸ Sunan al-Tirmidhī 3790 | Sunan ibn Mājah 154



It is said: This $had\bar{\imath}th$ is not authentic. And even if it would be authentic, it would be against you, because in that exact same $had\bar{\imath}th$ it is also mentioned that Muʻādh is the most knowledgeable in fiqh. Then let them make $taql\bar{\imath}d$ of Muʻādh in his $fat\bar{\imath}wa$, and in executing the apostate without offering repentance²⁴⁹ in allowing the inheritance of a Muslim from a $k\bar{\imath}afir$, and in many other matters where you have opposed him?

Some of them argued using Allāh's statement, "You are the best nation raised for mankind. You enjoin what is right and forbid what is wrong" [Āl 'Imrān: 110].

And His statement, "So that you will be witnesses over the people" [Qur'ān 2:143].

This does not imply $taql\bar{\iota}d$, because we have clarified that they (the companions) did not unanimously agree except on is not possible to have disagreement about, and on adhering to the Sunnah of the Prophet $\stackrel{\text{\tiny{deg}}}{=}$ and rejecting their $ra\ \bar{\iota}$ when they contradict the Sunnah.

And on matters like where they (the *madhāhib*) have opposed the Sunnah, like *musāqāt* without a fixed term.

We also find that Abū Ayyūb and Anas abandoned praying the two *rak'ahs* of prayer after 'Aṣr throughout the lifetime of 'Umar. But when 'Umar died, he resumed praying them. When someone asked him about this, he said, "'Umar used to strike people for them."²⁵⁰

Ibn 'Abbās also gave a statement, and it was said to him, "Where were you regarding this during 'Umar's time?" Ibn 'Abbās said, "I feared him."

Abū Muḥammad narrated, "Yaḥyā ibn 'Abd ar-Raḥmān ibn Mas'ūd narrated to us: Ibn Duḥaym narrated to us: Ibrāhīm ibn Ḥammād narrated to us: Ismā'īl ibn Isḥāq narrated to us: 'Alī ibn 'Abdullāh al-Madīnī narrated to us: Ya'qūb ibn Ibrāhīm ibn Sa'd narrated to us: My father narrated to us from Ibn Isḥāq, 'Muḥammad ibn Muslim ibn al-Zuhrī narrated to me from 'Abdullāh ibn 'Abdullāh ibn 'Utbah ibn Mas'ūd that he was with Ibn 'Abbās when the issue of increasing the shares of inheritance ('awl al-farā'id) was mentioned, and Ibn 'Abbās rejected it. Zafr ibn Aws said to him, 'What

²⁴⁹ Sunan al-Kubrā 16881, 8/357

²⁵⁰ Sahīh Muslim 836



prevented you, O Ibn 'Abbās, from suggesting this opinion to 'Umar?' He said, 'I feared him.'"²⁵¹

And we have narrated before from Ibn 'Abbās through authentic *turuq* that he intended to ask 'Umar ibn al-Khaṭṭāb about the two women who conspired against the Messenger of Allāh, but a whole year passed and he could not bring himself to ask him out of awe for him.

We have also narrated that Ibn 'Abbās said, "I used to beat people alongside 'Umar for praying the two units of prayer after 'Aṣr.'"

Then we narrated from Ibn 'Abbās that he would pray them after 'Umar

Abū Muḥammad narrated, "Muḥammad ibn Saʿīd al-Nabāt told us, and Aḥmad ibn 'Abd al-Baṣīr narrated to us, and Qāsim ibn Aṣbagh narrated to us, and al-Khushanī narrated to us, and Bundār narrated to us, and Ghundar narrated to us, and Shu'bah narrated from Abū Ḥamzah who said: Ibn 'Abbās said to me, 'I saw 'Umar hitting people for praying after 'Aṣr.' And Ibn 'Abbās said, 'Pray if you wish, between you and the setting of the sun.'"²⁵²

Abū Mūsā mentioned the *ḥadīth* of seeking permission, so 'Umar threatened to strike his back and stomach.

This makes it clear that their silence at times were due to taqiyyah with the $im\bar{a}m$ or to avoid dispute and discord. Or it could be to confirm something, or if they are not sure about the ruling of the issue, or for whatever Allāh wills. And no one's words, nor their silence, is a hujjah except for the Messenger of Allāh #, for his words and his silence are a clear hujjah.

Some of them argued that the rulings of the *Imām* is not to be overturned because Abū Bakr treated people equally, while 'Umar favored some over others, and no one rejected what Abū Bakr had given.

The answer: This is wrong because what they mentioned about Abū Bakr's equality and 'Umar's favoring is not a ruling but rather a distribution of wealth, which is left to the *ijtihād* of the *Imām*. It is permissible for him to favor some and permissible for him to treat people equally. This is not making rulings of making permissible, making prohibited, or making obligations. 'Umar recorded things, while Abū Bakr did not record them. And the *Imām* may be mistaken, and following someone who may be mistaken is ruling by conjecture and Allāh has forbidden following conjecture. As for the

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²⁵¹ Sunan al-Kubrā by al-Bayhaqī 6/253

²⁵² Al-Muşannaf by Ibn Abī Shaybah 7336, 2/132

obligation to obey the $Im\bar{a}ms$, that is a right for every just $Im\bar{a}m$ who was or will be until the Day of Judgment, but only in what aligns with the obedience of Allāh and is a true right. It does not mean that they can make any rulings for us, for which there is no nass or $ijm\bar{a}$.

So everything they said in this regard, and what they deceived the Muslims with, and what they filled their books with — they will regret it on the Day of Judgment. They are the most abandoning of people and the most contrary to the *Ummah*, whom they make *taqlīd* obligatory of. And we have clarified this in other places in our book, and with Allāh is success.

Some of them argued with what al-Muhallab narrated, "Ibn Manās narrated to us, Ibn Masrūr narrated to us, Yūsuf ibn 'Abd al-A'lā narrated to us, and Ibn Wahb narrated to us, informing me of one who heard al-Awzā'ī say: 'Abdah ibn Abī Lubābah narrated to me that Ibn Mas'ūd said, 'Let no man make *taqlīd* of another in his religion. Such that if he believes, he believes; if he disbelieves, he disbelieves. If he must make *taqlīd*, then let him follow the dead and leave the living, for the living are not safe from *fitnah*."'²⁵³

This is invalid because Ibn Wahb did not name the one who informed him, nor did he meet 'Abdah ibn Abī Lubābah or Ibn Mas'ūd so it is weak. And also, it is flawed because the dead are also not safe from *fitnah* if they issue *fatwās*. There is no difference between them and the living in this regard. And also, some who disagree with us on *taqlīd* have reversed this matter with their *ra* 'ī, such as the one known as al-Bāqillānī, who said, "If one must make *taqlīd*, then make *taqlīd* only of the living, and it is not permissible to make *taqlīd* of the dead."

This is a clear path to misguidance, it is a false claim without any certain decisive evidence, and with its foolishness, we know of no one who said it before him.

Abū Muḥammad narrated, "Aḥmad ibn 'Umar al-'Udhrī informed me, and Aḥmad ibn Muḥammad ibn 'Īsā al-Balawī narrated to us, and Ghundar narrated to us, and Khalaf ibn Qāsim narrated to us, and Ibn al-Maymūn, 'Abd al-Raḥmān ibn 'Abdullāh ibn 'Umar ibn Rāshid al-Bajalī narrated to us, and Abū Zur'ah, 'Abd al-Raḥmān ibn 'Amr al-Nadhrī al-Dimashqī narrated to us, and Abū Mushar narrated to us, and Sa'īd ibn 'Abd al-'Azīz from Ismā'īl ibn 'Ubaydullāh from al-Sā'ib ibn Zayd ibn Ukht Nimr

 $^{^{253}}$ Al-Muʻjam al-Kabīr 8764, 9/166



who heard 'Umar ibn al-Khaṭṭāb say, 'Your ḥadīth is the worst ḥadīth, your speech is the worst speech, for you have narrated to the people until it was said, 'So-and-so said, and so-and-so said,' and they left the book of Allāh. Whoever among you can rise with the Book of Allāh, let him rise with it, otherwise, let him sit.'"²⁵⁴

This is the statement of 'Umar, the best generation on the surface of the earth. Then how would he be if he would be aware what we are upon today regarding the abandonment of the Qur'ān and the words of Muḥammad and turning to what Mālik, Abū Ḥanīfah, and Al-Shāfi'ī said? Allāh is sufficient for us, and He is the best disposer of affairs, and indeed we belong to Allāh and to Him, we shall return.

And some of them argued in this regard by accepting the statements of the assessors of value to lost items or damaged property and the testimony on similar matters.

This is from the chapter of testimony and news, not from the chapter of *taqlīd*. For Allāh, the Exalted, has ordered us to take retribution from the aggressor in the same manner that they have aggressed. So we do not take from the witness that this thing is equivalent to the value of something as something Allāh has prohibited or made obligatory. But we know him to be knowledgeable about that commodity or that injury, so we accept his testimony regarding that against the oppressor.

This is not from the chapter of, "Mālik and Abū Ḥanīfah said, that this is $har\bar{a}m$, this is $w\bar{a}jib$, and this is $mub\bar{a}h$," for which there is nass or $ijm\bar{a}$ for.

We have been ordered to testify to rights, to accept it, and to rule by it. Everything that we have been ordered is not $taql\bar{\iota}d$. So whoever fears Allāh must not mislead the believers. For there is nothing worse or more harmful than concealing knowledge and distorting words from their places. There is nothing more severe than leading astray a person who is sitting with you, who has good expectations of you and has come to learn from you the religion of Allāh, while labeling the truth as prohibited $taql\bar{\iota}d$, and then mixing it with the prohibited $taql\bar{\iota}d$. This is like someone who mixes poison in honey and anesthesia in cake. He will bear the sin and the sin of those who follow him until the Day of Resurrection.

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²⁵⁴ Tārīkh Abū Zur'ah 1/73



Some of the ignorant said, "If we were tasked with contemplation, our affairs would be lost."

This is a false statement for many reasons. One of them is that it is said to him: Instead, if we were tasked with *taqlīd* our affairs would be lost, because we would not know whom to make *taqlīd* of among the *fuqahā* and *muftīn*. And they are other than the companions more than two hundred known by their name, and in reality, no one knows their exact number except Allāh, the Exalted. By necessity, we know that in every large village of Muslims there was a *muftī*, and in every city among them, there were several *muftīs*. The Muslims have filled the earth from Sind to the end of Andalusia, the coasts of the Berbers, and from the coasts of Yemen to the borders of Azerbaijan and Armenia. All that is between them is, praise be to Allāh, the Lord of the worlds.

And also, contemplation leads to the rectification of matters, not their loss. Likewise, every one of us is obligated to know what pertains to him in matters of his religion, as we have clarified before, such as what is obligatory upon each individual to know regarding the rulings of his prayer, fasting, what is obligatory for him, what is prohibited for him, and what is permissible for him. This is contemplation itself, and contemplation is nothing other than understanding what Allāh, the Exalted, and His Messenger have ordered in these obligatory matters for us.

If Allāh, the Exalted, had tasked us with losing our affairs, that would have been obligatory upon us, just as it was obligatory upon the Children of Isrāʿīl to kill themselves when they were ordered to do so. And that is greater than losing affairs. We have been ordered to pour out intoxicants, to discard carcasses, and to throw away melted fat in which a mouse has died, and usury is prohibited for us. All of this involves the loss of great wealth, which has a lot of value. If it would be permissible, it would be among the most valuable and profitable sources of gain.

Then how when there is not in contemplation the waste of anything there is instead protection of all of it and fulfillment of all the right and all praise is for Allāh.

And it has been authentically narrated that the Companions spoke with their $ra \, \bar{\imath}$. This has been authentically narrated from Abū Bakr, Ibn Mas $\bar{\imath}$ d, $\bar{\imath}$ umar, $\bar{\imath}$ and others. And then all of them said, $\bar{\imath}$ give my $ra \, \bar{\imath}$ on this matter. If it is correct, then it is from Allāh. If it is wrong, then it is



from me." Some of them added, "From me and from Satan, and Allāh and His Messenger are free from it."

The same was done by those who came after them. So it has been established that they disassociated themselves from those $ra \bar{\imath} s$ and did not present them to the people as part of the religion. So, it is prohibited for anyone who comes after them to take their $fatw\bar{a}s$ as obligations unless there is a nass affirmed from Allāh, the Exalted, or His Messenger \approx .

Abū Muḥammad narrated, "Muḥammad ibn Saʿīd ibn Nabāt narrated to us: 'Abd Allāh ibn Muḥammad ibn 'Alī al-Bājī narrated to us: Aḥmad ibn Khālid narrated to us: Abū 'Alī al-Ḥasan ibn Aḥmad said: Muḥammad ibn 'Ubayd ibn Ḥisāb narrated to us: Ḥammād ibn Zayd narrated to us from al-Muthannā ibn Saʿīd, who narrated it from Abū al-'Āliyah. He said that ibn 'Abbās said, 'Woe to the followers of the mistakes of the scholar!' It was said to him, 'How so?' He replied, 'The scholar speaks with raʿī, then the narration of the Prophet ** reaches him, so he takes from that, while the followers continue to act based on what they heard (from the ra ʿī)."

Ḥammād ibn Zayd said, "Al-Nu mān ibn Rāshid narrated to us, saying: Al-Zuhrī would sometimes dictate to me, but when it came to his ra $\bar{\imath}$, I would stop him, and he would say, 'Write it down that it is the ra $\bar{\imath}$ of Ibn Shihāb al-Zuhrī.' And indeed, it is likely that something will reach you, and [someone] will say, 'Ibn Shihāb al-Zuhrī said nothing, except by $\bar{a}th\bar{a}r$,' so let it be known that it is my ra $\bar{\imath}$.""

They (may Allāh be pleased with them) did not leave anything unclear without bringing clarity to it. Ibn 'Abbās made it clear to you that the writer of the ra' $\bar{\imath}$ of the ' $\bar{a}lim$ and the one who follows it are doomed, and that the ' $\bar{a}lim$ speaks from his ra' $\bar{\imath}$, and that it becomes obligatory for him to abandon that ra' $\bar{\imath}$ if he hears from the Prophet $\stackrel{\text{\tiny{def}}}{=}$ other than that.

Al-Zuhrī also made it known to you that he speaks from his own ra \tilde{i} and prohibits you taking what comes from him which he did not say with evidence.

This is exactly what these ignorant people do: they say, "Mālik and so-and-so and so-and-so could not have said this except with knowledge they had from the Prophet **." In doing so, they lie about the Prophet **, pass judgments based on conjecture, and abandon certainty. We seek refuge in Allāh from abandonment [by Him].

²⁵⁵ Al-Madkhal by al-Bayhaqī 835 | Al-Jāmi by ibn 'Abd al-Barr 962



Some of them used as argument to prove *taqlīd* with something strange, thereby they fell into their customs of using whatever comes to their tongues as argument.

That is the *ḥadīth* about in which it is said, "My son was a laborer working for this person."²⁵⁶

They said about this narration, "So the people gave *fatwā* while the Messenger of Allāh ** was alive."

This is the greatest hujjah against them in invalidating $taql\bar{\iota}d$, because the $muft\bar{\iota}s$ disagreed on that issue while the Messenger of Allāh was alive. Some of them gave a $fatw\bar{a}$ that the unmarried fornicator must be stoned to death and others gave a $fatw\bar{a}$ that he must receive a hundred lashes and be exiled for a year. So, when this dispute occurred, it became obligatory to refer the matter to the Messenger of Allāh, and the matter was referred to him, and he judged with the truth and invalidated falsehood.

And likewise is the matter now, the *muftūn* differ on that very issue till this day. Abū Ḥanīfah said that he [the fornicator] must be flogged but not exiled, whether he is free or a slave. Mālik said that he must be flogged and exiled, unless he is a slave.

We, along with the companions of al-Shāfi'ī, say that he must be flogged and exiled, whether he is a slave or not. So this dispute between us must be referred back to the Qur'ān and the Sunnah, and we found the explicit Sunnah witnessing our saying, so it becomes obligatory to follow it.

So this narration invalidates $taql\bar{t}d$ entirely and we do not reject the scholars issuing $fatw\bar{a}$ for those seeking a $fatw\bar{a}$, we only reject taking from it without a certain decisive evidence supporting it and without returning it to the nass for the Qur'ān and Sunnah, because that obliges taking from mistakes. And if there were people in the generation of the Prophet issuing false $fatw\bar{a}$, then they after the passing of the Prophet are more and more widespread. So it is obligatory to be cautious of every $fatw\bar{a}$ given unless it is supported by the Qur'ān, Sunnah, and $ijm\bar{a}$ '.

They also argued, saying, "The companions witnessed the circumstances surrounding the orders of the Prophet —whether he ordered them in satisfaction or anger. So, following their *fatwās* is obligatory."

The answer: The Messenger of Allāh swas only sent as a clear guidance for all people until the Day of Judgment, not just for his

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²⁵⁶ Sahīh al-Bukhārī 6835, 8836



companions. Every circumstance of anger or satisfaction that necessitates a ruling has been conveyed to us, and they were obliged to convey it. He said, "Let the one present convey to the one absent, for perhaps the one informed understands better than the one who heard it."

They conveyed everything they witnessed because they had no possibility of concealing it. Allāh protected them from that, and if they had concealed anything that necessitated any ruling in the *sharīʿah*, whether they heard it or witnessed it, they would have deserved the worst of attributes, but Allāh has protected and purified them from that.

They also conveyed to us his joy at the statement of Mujazziz al-Mudlajī regarding Usāmah ibn Zayd, and his joy when the charity was gathered before him when he ordered it as there a people came to the Prophet who were clad in woolen rags, covered with sleeveless blankets came who wore cloaks of dates, and his turning away his honored face²⁵⁸.

And the modesty of the Prophet before the Anṣāriyyah woman who sought a ruling regarding *ghusl* after menstruation, and his description of the garment on the miser when he intended to give charity, and his gesture towards Ka'b ibn Mālik with his hand to waive half of the debt owed by Ibn Abī Ḥadrad, and his amazement in his look and facial expression towards al-'Abbās when he carried a large amount of money without him speaking about it, and his striking with a stick in his hand between water and mud in the narration of Abū Mūsa.

Such things are very numerous. The Prophet did not have a form or state that necessitated a ruling of dislike, prohibition, permission,

²⁵⁷ Sunan al-Tirmidhī 2657

²⁵⁸ Sahīh Muslim 1017



recommendation, or order, except that it was conveyed to us, for all of this clarified what his Lord, the Exalted, intended. Had they concealed this from us, they would not have conveyed it as they were obligated to do.

If they sufficed with conveying only some of it and not the rest, they would have fallen into the group of those who conceal knowledge, and their reliability would have been nullified by that. But Allāh, the Exalted, has kept them far from this, preserved His religion, and decreed its transmission to us, generation after generation, until some of your Lord's signs appear, "On the day no soul will benefit from its faith if it had not believed before or earned good through its faith" [Al-Anʿām: 158].

They, the companions knew, may Allāh be pleased with them, that their $fat\bar{a}wa$ are not binding upon us, but what is binding is accepting what they transmitted to us from our Prophet . Some of the $t\bar{a}bi$ $\bar{i}n$ differed with the Companions in their presence, but the Companions did not reject this from them in the manner they rejected their opposition to what they narrated (from the Prophet ...).

As in the action of Ibn 'Umar towards his son when he narrated the <code>hadīth</code> of 'throwing pebbles' (*khadhf*) and the <code>hadīth</code> prohibiting the prevention of women from going to the mosques, his son said, "Do not do that," then Ibn 'Umar strongly rebuked him.

However, he would not rebuke those who disagreed with him on his $fat\bar{a}w\bar{a}$ (and only for what is from the Prophet) and likewise the remaining of the companions like the rebuke of Ibn 'Abbās towards 'Urwah, without opposing the $had\bar{\imath}th$ of the Prophet $\stackrel{\text{\tiny{deg}}}{=}$.

And like the rebuke of 'Umar against Ibn al-Ḥuṣayn when he mentioned the *ḥadīth* of modesty against someone who opposed him with by using something written in wisdom literature²⁵⁹.

And as Abū Hurayrah would say, "If I narrate to you from the Prophet $\stackrel{\text{\tiny{def}}}{=}$, do not strike apply examples against it," in the $had\bar{\imath}th$ of ablution regarding what has been touched by fire²⁶⁰.

We also find that Ibn 'Abbās did not rebuke 'Ikrimah for opposing him on the matter of the sacrificial animal $(dhab\bar{\imath}h)$, and Abū Hurayrah did not rebuke those who opposed him in the $had\bar{\imath}th$ of the Prophet \approx regarding breaking the fast for the one who wakes up in a state of $jan\bar{a}bah$, as a junub.

²⁵⁹ Musnad Aḥmad 20068, 20156

²⁶⁰ Sunan Ibn Mājah 22, 485

All of them followed this path: they did not rebuke those who disagreed with them on their $fat\bar{a}w\bar{a}$ but would rebuke those who opposed their narration of the Prophet ** with a severe rebuke.

However, our companions, may Allāh forgive them and guide them, have neglected their duty of reflecting on the rulings of the Qurʿān, the narrations of the Prophet , looking into the differences among the scholars, and understanding the levels of reasoning that distinguish truth from falsehood. Instead, they have turned to layers upon layers of darkness, reading ambiguous books filled with, "What do you think?" and they have been content with responses that lack evidence, wasting their lives in this.

As a result, their hands are empty of knowledge of the truth, and they have misled those who followed them. The least among them occupied themselves with types of *qiyās*, specifying the rationale ('*ilal*), and extracting the rationale that neither Allāh nor His Messenger permitted, or for which there is no certain decisive evidence for its validity, spent their days in nonsense. Had they dedicated themselves to what Allāh ordered them to do—reflecting on the Qur'ān and following the narrations of the Prophet —they would have been enlightened and guided, deserving of success and precedence. Our success is only by Allāh.

And some of those whose ignorance has grown strong, whose intellect is weaken, and whose religion has become flimsy, said, "When two scholars disagree, and one of them relies on a $had\bar{\imath}th$ of the Prophet or a verse, while the other says something that contradicts that $had\bar{\imath}th$ or verse, then it is obligatory to follow the saying of the one who contradicted the $had\bar{\imath}th$ because we are ordered to revere the scholars. And we know that if this scholar had deliberately opposed the Messenger of Allah , he would have been a $had\bar{\imath}th$ or a $had\bar{\imath}th$ or a $had\bar{\imath}th$ sinnocence obliges that he had knowledge that necessitates abandoning that $had\bar{\imath}th$ and lifting the ruling of that verse, which the one who used those did not possess. In this way, reverence is given to all of them."

This statement is extremely corrupt for many reasons. One of them is that the person who said this, does not matter which *madhab* he follows, he is the most abandoning of people to this principle. It implies him to allow the sale of wine, in *taqlīd* of Samurah, and to prohibit *tayammum* for the *junub* during travel, in *taqlīd* of 'Umar. And it implies him to permit the sale of fruits before their ripeness, in *taqlīd* of 'Umar, and to omit the *kaffārah* for

someone who has intercourse during the day in Ramaḍān, in *taqlīd* of Ibrāhīm al-Nakhaʿī, Muḥammad ibn Sīrīn, and Saʿīd ibn Jubayr. And it implies in general, accepting every single opinion in which the one who held it opposed the *ḥadīth* and the Qurʾān and to take it. This is something no Muslim does, and there is also in this abandoning the majority the issues of the *madhāhib*.

And if what this *jāhil* mentioned would be correct, then it would necessitate declaring that scholar a *fāsiq* by necessity, and he would deserve the curse of Allāh Almighty. This is because he would be concealing knowledge that he had from the Messenger of Allāh, and whoever does this deserves the curse, as Allāh Almighty said, "Indeed, those who conceal what We have sent down of the clear proofs and guidance after We have made it clear to the people in the Book, it is they whom Allāh curses, and the cursers curse them" [Al-Baqarah: 159-160].

And also, it is said to this *jāhil*: Perhaps this scholar did not hear of this *ḥadīth*, or he did hear it but completely forgot it, or he did not forget it but it did not come to his mind the moment he contradicted it, just as 'Umar forgot that in front of him was Muḥammad ibn Maslamah, a companion of the Messenger of Allāh , and Abū Ayyūb al-Anṣārī, the owner of the Prophet 's riding animal, and Abū Mūsā al-Ash'arī, (both have names of the prophets) whom the Prophet had appointed over part of Yemen. And this is while these two men were known only by their *kunyahs* (the names of the Prophets), to the extent that most people did not know their real names at all. Then 'Umar still prohibited naming children after the prophets. So, as it is possible, as you see, for something that is in front of him something acknowledged by the Prophet in his presence and in his memory not to cross his mind until he prohibits it, then it is even more likely and more possible for something that is not in front of him to be absent from his mind.

Just as 'Umar also forgot the verse: "Indeed, you are to die, and indeed, they are to die" [39:30]when the Prophet passed away. Then he said, "By Allāh, the Prophet has not died, and he will not die until he governs us all." Then this verse was recited to him, and he fell unconscious. Afterward, he stood up and said, "By Allāh, it is as if I had never heard it before this moment."

And just he prohibited excessive dowries for women, then a woman reminded him of the verse: "And you have given one of them a great amount



[in gifts]" [An-Nisā': 20]. He admitted the truth and retracted his statement, even though he had memorized the verse but did not recall it at that time²⁶¹.

And just as 'Uthman, while he was one of the best memorizers of the Qur'ān, forgot the verse: "And his gestation and weaning [period] is thirty months" [Al-Ahqāf: 15].

He ordered the stoning of a woman who had given birth after six months, while he had memorized the aforementioned verse. He was reminded of it, then he remembered it and ordered that she not be stoned.

Or perhaps that scholar was aware of the verse and the hadīth but made ta wīl of them by specification or made a ta wīl of abrogation, and specifications in an invalid manner.

This is like what the Companions did regarding the prohibition of eating the meat of domesticated donkeys by the Prophet # . Some of them said it was prohibited because of the reason they were beasts of burden for the people. Others said it was because of the reason they had not been subjected to khums. Some said it was because of the reason they ate filth, while others said it was a general prohibition. Many such examples exist.

All of this takes out ruling those that abandoned narrations from the scholars of the past with *fisq* or with open opposition to the Qur'ān and *ḥadīth* and disobedience to the Prophet #, which would necessitate the wrath of Allāh Almighty.

Abū Muḥammad narrated, "Muḥammad ibn Sa'īd al-Nabāt narrated to us: Ahmad ibn 'Awn Allah narrated to us: Qasim ibn Asbagh narrated to us: al-Khushanī narrated to us: Bundār narrated to us: Ghandār narrated to us: Shu'bah from Abū Ishāq al-Sabī'ī from Abū 'Ubaydah ibn 'Abdullāh ibn Mas'ūd from his father, 'The people who will be subjected to the severest punishment on the Day of Resurrection are a leader who misguides the people with something other than what Allah revealed, an image maker, and a man who kills a prophet or is killed by a prophet."262

We seek refuge in Allah from affirming for the salaf this rank. The disaster is upon those who take as a religion beliefs that do not result from their own ijtihād and that they acknowledge Allāh did not reveal.

²⁶¹ Sunan Abī Dāwūd 2106

²⁶² Al-Shu'ab by al-Bayhaqī 7888, 6/197

All the early *a'immah* were led to what they ruled by their *ijtihād*, so those who made a mistake are excused and will receive one reward. No Muslim thinks otherwise of them.

As for them having knowledge about the Prophet because of the reason they abandoned a transmitted narration and they did not convey it nor transmit it. They are absolved and purified from such because anyone who does that is cursed.

As for mistakes, they indeed exist among them, and their existence is not denied but rather affirmed for them and for all human beings. So it is established by what we have mentioned that the *ta* 'wīl presented by the jāhil, whose statement we described, and who sought to justify *taqlīd*, is such that—if it were true—it would necessitate declaring the scholars sinful and cursed by necessity. However, Allah has protected them from such things, and as for us, we absolve them of that.

Instead we say that they are sometimes correct and sometimes mistaken, and everything they have said must be referred back to the Qur'ān and the Sunnah and measured against them. Whatever the Qur'ān and Sunnah affirm is correct and at that point only the Qur'ān and Sunnah are taken. And whatever is other than that is rejected. The one who made the mistaken statement is excused and rewarded for his *ijtihād*. However, the one who makes *taqlīd* of that statement is blameworthy, sinful, and disobedient to Allah, the Almighty. Success is from Allah.

Some of them have said that $Ibr\bar{a}h\bar{1}m$ al-Nakha' $\bar{1}$ said, "If I saw them doing $wud\bar{u}$ " up to the wrists, I would not go beyond the wrists," while he recited the verse, "To the elbows" [Al-M \bar{a} 'idah: 6].

This is a lie against Ibrāhīm. Even if it would be true, they would not benefit from it, as it would have been a grave mistake of Ibrāhīm, because he is not infallible from mistakes. And also, it is not authentic because it was narrated by Abū Ḥamzah Maymūn, who is $s\bar{a}qit$ and not a thiqah. The authentic statement from Ibrāhīm through authentic $as\bar{a}n\bar{i}d$ are contrary to this.

Abū Muḥammad narrated, "Aḥmad ibn 'Umar ibn Anas narrated to us: Abū Dharr al-Harawī narrated to us: 'Abdullāh ibn Aḥmad ibn Ḥumwayh al-Sarkhasī narrated to us: Ibrāhīm ibn Khuzaymah narrated to us: 'Abd ibn Ḥumayd al-Kisī narrated to us: Muḥammad ibn Bishr al-'Abdī narrated to us



from al-Ḥasan ibn Ṣāliḥ from Abū al-Ṣabāḥ from Ibrāhīm al-Nakhaʿī, 'No obedience is obligatory except for a prophet.'"

Abū Muḥammad narrated, "Ḥumām ibn Aḥmad from 'Abdullāh ibn Ibrāhīm al-Aṣlī from Abū Zayd al-Marwazī from Muḥammad ibn Yūsuf al-Farabrī from al-Bukhārī, Muḥammad ibn Ismā'īl narrated to us: Muḥammad ibn Yūsuf narrated to us: Sufyān al-Thawrī narrated to us from Manṣūr from Sa'īd ibn Jubayr: Ibn 'Umar used to apply oil to his hair. I mentioned this to Ibrāhīm al-Nakha'ī, who said, 'What will you do with that? Al-Aswad narrated to me from 'Ā'ishah, who said, 'I can still see the shine of the oil in the parting of the hair of the Messenger of Allāh while he was in the state of *ihrām*.'"

This is what befits Ibrāhīm, which is that he would not pay attention to the statement of Ibn 'Umar when he had a narration from the Prophet that contradicted it. How can anyone with a shred of 'aql think that Ibrāhīm would abandon the statement of Ibn 'Umar for something that was narrated from al-Aswad from 'Ā'ishah from the Prophet and leave aside the clear text of the Qur'ān for people he did not even hear? What foolish, ignorant person would attribute this to Ibrāhīm!? And we seek refuge in Allāh from misguidance.

And some of them came with a grave mistake, they said, "'Umar ibn 'Abd al-'Azīz said, 'New rulings are innovated for people in accordance with the amount of corruption they introduce."

This is innovated from someone with no religion. If 'Umar would have said this, he would have been a *murtadd* from Islām. But Allāh has protected him from that and cleared him from such an accusation, for altering the rulings of the religion is something only a disbeliever would permit."

What is <code>sahīh</code> of 'Umar ibn 'Abd al-'Azīz is what 'Abd Allāh ibn Dīnār narrated, "'Umar ibn 'Abd al-'Azīz wrote to Abū Bakr ibn Ḥazm saying, 'Look into what is recorded of the <code>hadīth</code> of the Messenger of Allāh , and write it down, for I fear that knowledge may fade away and scholars may perish, and nothing must be accepted except the <code>hadīth</code> of the Messenger of Allāh."'²⁶⁴

This is the correct stance of 'Umar ibn 'Abd al-'Azīz, who did not order nor accept anything other than the *ḥadīth* of the Prophet alone.

²⁶⁴ Şanın ıbn Knuzayman 2652, 4/185 ²⁶⁴ Sahīh al-Bukhārī 1/194 | Sunan ad-Dārimī 487

²⁶³ Şaḥīḥ ibn Khuzaymah 2652, 4/185

It was also narrated that 'Umar ibn 'Abd al-'Azīz wrote to 'Adī ibn 'Adī al-Kindī, his governor in Mosul, who said to him, "I have found this city to be the most full of thieves and robbers. Should I judge them based on suspicion or the full truth?" So 'Umar wrote back, "Judge them based on the full truth, then whoever is not corrected by the truth, may Allāh never correct him." 'Adī said, "I did not leave that city until it became the most upright of places."

The one who fabricated this lie against 'Umar ibn 'Abd al-'Azīz cannot be free from two possibilities: either he is a $k\bar{a}fir$ or a $zind\bar{i}q$ setting traps for $Isl\bar{a}m$, or he is a $j\bar{a}hil$ who did not comprehend the gravity of what he was uttering.

Because innovating new rulings do not cease to be from four possibilities;

Omitting ($isq\bar{a}t$) the obligation ($fard/wuj\bar{u}b$) of an obligation ($w\bar{a}jib$), such as omitting (removing the obligation of) prayer, fasting, $zak\bar{a}h$, hajj, or the hadd for fornication or qadhf, either some parts of each of them or each of them entirely.

Adding $(ziy\bar{a}dah)$ something to any of these obligations, or innovating $(ihd\bar{a}th)$ an entire new obligation.

Making permissible $(ihl\bar{a}l)$ something prohibited (muharram), such as the consumption of swine, khamr, or carrion.

Making prohibited ($tahr\bar{t}m$) something permissible (muhallal), such as prohibiting the meat of sheep or anything similar.

Whichever of these categories it is, the one advocating for it is a *mushrik*, has joined the Jews and Christians, and it becomes obligatory for every Muslim to fight such a person without offering repentance or accepting any repentance if they offer it. Their wealth must be confiscated for the Muslim treasury (*bayt ul-māl*) because they have altered their religion. The Prophet $\stackrel{\text{\tiny{said}}}{=}$ said, "Whoever changes their religion, fight them." ²⁶⁵

May Allāh protect us from His wrath for what falsehood leads to such disasters.

They also argued using Abū Bakr's writing of the Qur'ān, which had not been compiled before, and they also mention a fabricated narration about Zayd ibn Thābit saying, "I missed a verse from Sūrat al-Barā'ah, 'There has

²⁶⁵ Sahīh al-Bukhārī 3017



certainly come to you a Messenger from among yourselves.' [At-Tawbah: 128] and I found it with only one man."

And they fabricate lies and myths, claiming that they would not affirm a verse unless two witnesses testified to it.

All of this is pure lies forged by the *zanādiqah*.

As for Abū Bakr's compilation of the Qur'ān, yes, that happened, and its reasoning is clear: the Qur'ān was revealed to the Prophet divided, so he would order to add the revealed āyah to so-and-so ayāh from so-and-so sūrah, so it was not possible to write it in a complete muṣḥaf during his lifetime. After the Prophet passed away and the revelation ceased, and it was known that nothing would be added or changed, Abū Bakr then wrote it down and compiled it.

As for Zayd ibn Thābit's missing the verse, the meaning is not what *ahl ul-jahl* think. What it means is that he did not find it written specifically except with that man, and this is made clear in that narration.

Khārijah ibn Zayd ibn Thābit narrated, "Zayd ibn Thābit said: When we copied the Qur'ān into the *maṣāḥif*, I lost a verse from Sūrat al-Aḥzāb. I used to hear the Messenger of Allāh ** reciting it, but I did not find it with anyone except Khuzaymah ibn Thābit, whose testimony the Messenger of Allāh ** made equivalent to that of two men, 'Among the believers are men who have been true to what they pledged to Allāh." 266

The $bay\bar{a}n$ of what we have said is explicitly stated in this $had\bar{\imath}th$ itself, and that is that Zayd mentioned that he heard this verse from the Prophet #, so it was with Zayd as well and the one before was only about him having found the written state only.

And also what Abū Muḥammad narrated, "'Abd Allāh ibn Rabī' al-Tamīmī narrated to us, saying: Muḥammad ibn Mu'āwiyah al-Marwānī narrated to us, saying: Aḥmad ibn Shuʻayb narrated to us, saying: Muḥammad ibn Ma'mar narrated to us, saying: Abū Dāwūd al-Ṭayālisī narrated to us, saying: Abū 'Awnah narrated to us from Farās from al-Sha'bī from Masrūq from 'Ā'ishah that she informed him that Fāṭimah, the daughter of the Messenger of Allāh ﷺ, informed her that the Messenger of Allāh ﷺ confided in her before his death, saying, 'Jibrīl would review the Qur'ān with me once

²⁶⁶ Sahīh al-Bukhārī 2807, 4784



every year, and this year he reviewed it with me twice. I do not see anything except that the end is near."²⁶⁷

This is clear evidence that the Qur'ān was compiled and arranged by Allāh, and Jibrīl reviewed it with the Prophet twice in the year of his death, as it is. No one compiled it except Allāh, and it remains as it was from that initial compilation (everything from it the way it is now is how it was then even its order).

And also, Abū Muḥammad narrated, "Aḥmad ibn Muḥammad al-Jasūrī told us: Wahb ibn Masrah told us: Ibn Waḍḍāḥ told us: Abū Bakr ibn Abī Shaybah told us: Muʿāwiyah from al-Aʿmash from Abū Zabyān from Ibn ʿAbbās said, 'Which of the two recitations do you consider to be the first?' We said, 'The recitation of 'Abdullāh.' He said, 'Indeed, the Messenger of Allāh as used to present the Qurʿān to him once every Ramaḍān, except for the year in which he passed away, as he presented it to him twice.' 'Abdullāh attended, witnessing what was abrogated and what was altered."

Abū Zabyān is Ḥuṣayn ibn Jundub al-Janabī, and we have mentioned those who compiled the Qurʿān in his lifetime. And there is no doubt that this verse was among what they had, and the absence of Zayd and its presence with Khuzaymah does not mean that it was only with Khuzaymah. Instead all who recited to 'Uthmān, Abū al-Dardā', Ibn Mas'ūd, and 'Alī had certainly recited this verse to them without doubt, and this suffices.

Some people narrated that the verse which Zayd had missed from Sūrah Barāʿah was, "There has certainly come to you a Messenger from among yourselves" [At-Tawbah: 128].

This is a mere lie because of everything we mentioned before.

And also it was also narrated about Sūrah Barāʿah that it was the last Sūrah revealed ²⁶⁹ and the Prophet sent it forth and recited it in the gathering of the people. And some companions like ibn ʿAbbās, said, "We used to call Sūrah Barāʿah 'the Exposer."

 $^{^{267}}$ Sunan al-Kubrā by al-Nasā'ī 7078

²⁶⁸ Musnad Ahmad 1/362-363

²⁶⁹ Şaḥīḥ al-Bukhārī 4364, 4605, 4654

²⁷⁰ Sahīh al-Bukhārī 4882 | Sahīh Muslim 3031



So, a Sūrah recited to all Arabs in the gathering, and recited to many of the people of Madīnah, could it be possible that a verse from it was hidden from the people? This is something that no one with breath and life thinks.

And the lies of those narrations are clarified by what we narrated with authentic $as\bar{a}n\bar{\imath}d$ that the Prophet would not know the end of a Sūrah until "Bismillāh al-Raḥmān al-Raḥīm" was revealed to him²⁷¹ and the verses were revealed to the Prophet , and he would arrange them in their places. That is why you find the verse of al-Kalālah, which was the last verse revealed, placed in Sūrat al-Nisā', near the beginning of the Mushaf, and the beginning of the Sūrah, "Recite in the name of your Lord who created" [Al-'Alaq: 1] and al-Muddaththir at the end of the Mushaf, while it was the first to be revealed.

So it is by this established the order of the verses and the order of the Sūrahs (arrangement) was taken from Allāh to Jibrīl, then to the Prophet #, not as ahl ul-jahl assume, that it was compiled after the death of the Prophet 3. And if that had been the case, the Qur'an would not have been transmitted by mass transmission (nagl al-kāffah). And there is no disagreement among the Muslims, Jews, Christians, and Magians that it was transmitted from Muhammad in a *mutawātir* manner. That what also clarifies is the authentic narration that the Prophet would be presented the Our an every night in Ramadan by Jibrīl, so it is established that its order (tartīb) is exactly as it was during the time of the Messenger # . And his saying, "I leave among you two weighty things: the Book of Allāh and my family." And the authentic hadīths that the Prophet recited Sūrat al-A'rāf, al-Tūr, and al-Mursalāt in the Maghrib prayer, and that Mu'ādh recited al-Baqarah in the 'Ishā prayer in his lifetime #, and that the Prophet delivered a sermon with, "Qaf, by the glorious Qur'ān," [Qāf: 1] and mentioned the last verses of Āl 'Imrān and Sūrat al-Nisā'. And the Prophets order to take the Qur'ān from four: from Ubayy, Ibn Mas'ūd, Zayd, and Mu'ādh²⁷². And 'Abdullāh ibn 'Amr ibn al-'Āṣ's sayings to the Prophet regarding reciting the Qur'an every night, and his # order not to recite it in less than three days²⁷³. And those who compiled the Our an during the lifetime of the Prophet were a group, among them Abū Zayd, Zayd, Ubayy, Mu'ādh, Sa'īd ibn 'Ubādah, and Abū

²⁷¹ Sunan Abī Dāwūd 788

²⁷² Sahīh al-Bukhārī 3808, 4999

²⁷³ Sahīh al-Bukhārī 1153

al-Dardā'. And the order of the Prophet # for 'Abdullāh ibn 'Amr to recite the Qur'an in days no less than three — how could they recite and compile it if it would not have already been compiled yet? This is absolutely impossible. All of this is from authentic narrations with asānīd of which no jarh of can be made. This exposes the falsehood of the fabricated narrations. So their claim that anyone compiled and arranged the chapters in orders of the Qur'an after the Prophet is invalidated and false. And that what clarified the falsehood of this saying with a clear certain decisive evidence is that some of the masāhif which 'Uthmān sent to the horizons, it contained additional "wāw's" not found in others and maṣāḥif and in some maṣāḥif the verse, "And indeed, Allāh He is the Free of need, the Praiseworthy" [Al-Hajj: 64] and in Sūrah al-Ḥadīd there is the omission of "he." And also it is from the impossible for 'Uthman, the best reciter from the *khulafa* 'and the earliest one among them as a companion of the Prophet #, and he would memorize the Qur'ān entirely and would recite it in one rak 'ah, that he would leave his own recitation, which he took from the mouth of the Prophet #, and revert to the recitation of Zayd, who was child. This is something only a jāhil or a fool assumes. And among them is that 'Āṣim narrated from Zirr and read to him; he did not read from Zayd nor from anyone who read from Zayd anything except that it has been established from him that he presented it to Zayd, and Ibn Mas'ūd did not disagree with him. And Ibn 'Āmir is the *qāri*' of the people of al-Shām; he did not read from Zayd nor from anyone who read from Zayd; rather, he read from Abū al-Dardā' and through 'Uthmān, may Allāh be pleased with them both. And also Hamzah did not take anything from Zayd.

Some people have been mistaken by calling taking what the Messenger of Allāh \approx said and that what all ' $ulam\bar{a}$ ' of the entire ummah agreed upon $taql\bar{\imath}d$.

This is from the actions of *ahl ul-safsaṭah* and those who seek to deceive and corrupt $`ul\bar{u}m$ and invalidate the truths. There is nothing that assists corruption more than mixing words with designated meanings and, till they designate on the truth the word of falsehood to make the people turn away from it and designate on falsehood the word of truth in order for the people to assume good of it.

And as it is narrated that the $fuss\bar{a}q$ sellers of animals call their animals by the names of the lands. When a donkey is offered for sale, they

take an oath by Allāh that it came last night from such and such a land, meaning the place where it grazed. The buyer thinks it is from the mentioned location. This act is of the people of sins and evil, and the doer of this is in a worse state in terms of religion and more sinful than the one who does so in other *mu'āmalāt*.

So know now that accepting what is narrated from the Prophet $\stackrel{\text{def}}{=}$ and accepting what the Qur'ān has obliged by its nass and apparent meaning, and accepting what the entire ummah has $ijm\bar{a}$ upon is not $taql\bar{\imath}d$ and it is not permissible for anyone to call it $taql\bar{\imath}d$, for that is a deception, and mixing truth with falsehood.

Because $taql\bar{\imath}d$ in reality is to accept what someone other than the Prophet \cong has said without certain decisive evidence.

This is what the entire ummah has unanimously agreed on calling it $taql\bar{\iota}d$, and certain decisive evidence has come on its falsehood.

It is not the same as what has certain decisive evidence has come to validate. It is prohibited to name the truth with the name of falsehood and falsehood with the name of truth. Allāh, the Exalted, said, "Indeed, they are nothing but names you have named them, you and your forefathers. Allāh has not sent down any evidence for this" [An-Najm: 23].

And the Prophet * warned about people who make *khamr ḥalāl* by calling them by another name.

Some of them have argued with the verse, "Let them warn their people when they have returned" [At-Tawbah: 122].

They said, "Allāh has obliged here the ' $\bar{a}mm\bar{\iota}$ to make $taql\bar{\iota}d$ of the ' $\bar{a}lim$."

There is no hujjah in this for them because Allāh never ordered to accept the warning unrestrictedly (mutlaqan). He only ordered to accept what the one who obtained of tafaqquh in the religion from the Prophet $\stackrel{\text{def}}{=}$ and from Allāh, the Exalted, came with, not what an innovator has invented from himself, nor what anyone has added to the religion based on his ra $\stackrel{\text{def}}{=}$.

Whoever makes ta $w\bar{l}$ of this that Allāh has permitted one of the creatures to make rulings that are not transmitted from the Prophet he is a $k\bar{a}fir$.

Allāh has called those who do this fabricators, He said, "Has Allāh permitted you, or do you invent [lies] about Allāh?" [Yūnus: 59].

A group of people think they have freed themselves from *taqlīd* in a manner they affirm that they are part of it. And that is that they seek arguments that support what their predecessors were upon, and then they do not care about whether those arguments are mere tumults or valid. And they disregard any *hujjah* that contradicts their statement, and if it is a verse or a *hadīth*, they make *ta wīl* of it with far-fetched *ta wīlāt* and distort it from its places.

So they are party of Allāh's saying, "Distorters of words from their position" [An-Nisā': 46].

If they are exhausted by this, and seek refuge by claiming that that verse or $had\bar{\imath}th$ is specific $(khu\bar{\imath}u\bar{\imath}s)$ or that it is abandoned (not acted upon by their predecessors).

This is the ugliest form of $taql\bar{\iota}d$ and the most disgraceful, this is akin to what the muqallids of Mālik, Abū Ḥanīfah, and al-Shāfiʿī do. They only take the arguments that agree with their madhab, even if it is a fabricated narration or a false tumult, and they abandon what contradicts it, even if it is an $\bar{a}yah$ or an authentic connected narration from the transmission of the $thiq\bar{a}t$.

The astonishing thing is that they blame $taql\bar{\iota}d$ and say that the muqallid is disobedient to Allāh, and they say it is not permissible to take from anyone except that for which hujjah established. And they also say there is no one after the Messenger of Allāh \cong except that their sayings are taken and that some of their sayings are abandoned, they do not separate themselves from the saying of their $im\bar{a}m$ in any way.

As for the people of our lands, they are not among those who indulge in seeking evidence for their issues. Only a few seek it. They only seek it as we mentioned before then they present the words of Allāh, the Exalted, and the words of the Messenger $\frac{1}{2}$ against the saying of their $im\bar{a}m$, who is a fallible sinful creature who errs and is correct.

And only if the saying of Allāh and the Messenger $\stackrel{\text{def}}{=}$ agrees with the saying of their $im\bar{a}m$, they accept it, and if it contradicts it, they set aside the word of Allāh and the saying of the Messenger $\stackrel{\text{def}}{=}$ and hold fast to the saying of their master.

And we do not know of any sins or major sins after pure *shirk* that are greater than this, and it is indeed more severe than murder and adultery.

Because in what we have mentioned there is <code>istikhfāf</code> (considering lower in value, belittle) made of Allāh, the Exalted, and His Messenger and of the religion, and because those we have mentioned have received an admonition from their Lord but did not cease and returned to what they were prohibited and knew it was false but insist in adhering to it and deem it permissible and teach it to people. As for the murderer and the adulterer, they know that their actions are wrong and that they are sinful, so they are in a better state than those we have mentioned.

Allāh, the Exalted, said, "And to whomsoever comes an admonition from his Lord and he ceases, he may have what is past, and his affair rests with Allāh. And whoever returns – those are the companions of the Fire; they will abide therein eternally" [Al-Baqarah: 275].

This is while they acknowledge that the *fuqahā* whom they make *taqlīd* of invalidate *taqlīd* and that they have prohibited their followers from making *taqlīd* of them, and the one most severe in this regard was al-Shāfi ī, for he, may Allāh have mercy on him, reached a point of following the authentic narrations and adhering to what *ḥujjah* obliges a place that others did not reach. He disassociated himself from *taqlīd* entirely and proclaimed it, may Allāh benefīt him and reward him greatly, for indeed, he was a cause for much good.

So who is in a worse state than the one who believes that $taql\bar{\iota}d$ is misguidance and that $taql\bar{\iota}d$ is to believe in the saying before believing in its evidence, and yet they do not separate from anything in their religion? This, with what is in it from opposition to Allāh, the Exalted.

So who is in a worse state than one who believes himself that *taqlīd* is misguidance and that *taqlīd* is to believe in a statement before believing in its evidence, and then they do not depart from *taqlīd* in any aspect of their religion? This, along with its contradiction to Allāh, the Exalted, shows a great deficiency in the 'aql and discernment. We seek refuge in Allāh from disgrace and ask Him for guidance and protection, for everything is in His hands; there is no deity but Him.

A group of the Ash arī scholars have innovated in their statement about $taql\bar{\iota}d$ in a ridiculous manner, saying that it is obligatory for the $\bar{\iota}amm\bar{\iota}$, when he gets into a situation with a new issue, to ask the most knowledgeable person in his vicinity. If he finds him, he asks him, and if that scholar gives him a $fatw\bar{a}$, he must adhere to it. And that it is not permissible for the $\bar{\iota}amm\bar{\iota}$

to take the ra \bar{i} of a deceased scholar, whether he was from a long time ago or recent, a companion or a $t\bar{a}bi$ \bar{i} , or from those after them. And if that $\bar{a}mm\bar{i}$ faces the exact same situation again, he is not permitted to rely on the $fatw\bar{a}$ given by the scholar but must ask again or ask someone else. Whatever that scholar gives him, he must follow, regardless of whether that first opinion was different from the second. And they also claim that the obligation upon everyone is what their $ijtih\bar{a}d$ leads them to in matters where there is no nass. So, every mujtahid in such cases is correct.

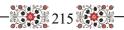
The answer: The falsehood of these claims is evident by that they are mere claims without any certain decisive evidence whatsoever.

And if they mention the verse, "So ask *ahl ul-dhikr*, if you do not know" [An-Nahl: 43]

We say: Allāh, the Exalted, spoke the truth, and the one who distorts the statement is lying. *Ahl ul-dhikr* are the ones that convey Sunan of the Prophet and the scholars of the rulings of the Qur'ān.

Certain decisive evidence for this is the saying of Allāh, "Verily, We, it is We Who have sent down the *dhikr* and surely, We will guard it" [Al-Hijr: 9].

So it is established that Allāh, the Exalted, ordered us to ask them to inform us of what they have regarding the Qur'ān and the Sunnah, not so they can make rulings for us in religion what Allāh has not permitted based on their corrupt ra \tilde{i} and false zann. In this is enough, and all success is from Allāh.



Section: What Allāh, The Exalted, Said About The Falsehood Of *Taqlīd*

We have mentioned everything those who believe in *taqlīd* deceived with and we clarified its invalidity and falsehood by Allāh's help, and all praise is due to Allāh. We will now mention what Allāh, the Exalted, said about the falsehood of *taqlīd* and clarify the method of argumentation in demonstrating its falsehood and that it is not permissible to manipulate in the religion of Allāh at all.

From this, it is said to the one who makes $taql\bar{\imath}d$: What is the difference between you and the one who makes $taql\bar{\imath}d$ of someone other than whom you make $taql\bar{\imath}d$ of?

If he takes refuge in arguing about the virtue of the one whom he makes *taqlīd* of and describes their extensive knowledge. He is then asked: Was there anyone before him who was better or more knowledgeable than him, or was there no one before him who was more knowledgeable or better?

If he says, "There was no one better than him," he has denied the Messenger of Allāh in his saying that we cannot achieve by our spending the amount of Uhud of gold equal to a handful spent by his companions, nor can we equal him²⁷⁴.

And by his saying #, "There is no year except that which follows it is lesser." 275

The one who says this opposes the $ijm\bar{a}$ and is outside the path of the believers.

There is no doubt among any Muslim that Abū Bakr, 'Ā'ishah, 'Alī, 'Umar, Mu'ādh, Ubayy, Zayd, Ibn Mas'ūd, and Ibn 'Abbās are more knowledgeable about what they witnessed of the revelation of the Qur'ān and the rulings of the Messenger of Allāh and are better than Sufyān al-Thawrī,

²⁷⁴ Sahīh al-Bukhārī 3673

²⁷⁵ Sahīh al-Bukhārī 7068

al-Awzāʿī, Mālik, Abū Ḥanīfah, Abū Yūsuf, al-Shāfiʿī, Ibn al-Qāsim, Dāwūd, Muḥammad ibn al-Ḥasan, Aḥmad ibn Ḥanbal, and Abū Thawr. These *fuqahā*ʾ, may Allāh have mercy on them, they are the ones whom the later groups made *taqlīd* of.

We do not know of anyone on the face of the earth who makes *taqlīd* of other than them, especially since we have been narrated by Abū Muḥammad, "Aḥmad ibn 'Umar al-'Udrī, who narrated to us from 'Alī ibn al-Ḥasan ibn Fahr, who narrated from al-Qādī Abū al-Ṭāhir Muḥammad ibn Aḥmad al-Duhalī, who narrated from Ja'far ibn Muḥammad al-Firyābī, who narrated to me from Aḥmad ibn Ibrāhīm al-Dūrqī, who narrated to me: Al-Haytham ibn Jamīl said, 'I said to Mālik ibn Anas, 'O Abū 'Abdullāh, among us are people who have compiled books. One of them says, 'So-and-so narrated from so-and-so, from 'Umar ibn al-Khaṭṭāb regarding such-and-such,' and 'So-and-so narrated from Ibrāhīm regarding such-and-such,' and we follow the saying of Ibrāhīm.' Mālik said, 'Do they find the saying of 'Umar authentic.'' I said, 'It is merely a narration, just as the statement of Ibrāhīm was authentic according to them.' Mālik replied, 'These people should be asked to repent.'"

If someone argues, saying, "Indeed, there those better whom you mentioned and others who came after them, and with these mentioned scholars, and before them, there were those who were better and more knowledgeable about the religion."

Then it is said to them: Then why did you leave the more virtuous and more knowledgeable one and follow the lesser one in virtue and knowledge?"

If they say, "Because some of the early ones were critiqued."

It is said: Then make $taql\bar{\iota}d$ of those who came after them, who critiqued these early ones (whom you make $taql\bar{\iota}d$ of) as well.

If he is a Mālikī, Shāfiʿī, Ḥanafī, Sufyānī, or Awzāʿī, it is said to him: Then make *taqlīd* of Aḥmad ibn Ḥanbal, for he came after these scholars, saw their knowledge and the knowledge of others, and critiqued all of them.

There is no disagreement among the 'ulamā' of ahl al-sunnah, both ahl al-ḥadīth and ahl al-ra'ī, about his vast knowledge and his prominence in the ḥadīth of the Prophet $\stackrel{\text{\tiny{def}}}{=}$, the fatāwā of the Companions and the tābi 'īn, his jurisprudence, virtue, piety, and caution in giving fatwā.



Or it is said to them: Make *taqlīd* of Isḥāq ibn Ibrāhīm al-Ḥanẓalī, for he was likewise known for precise insight and sound understanding. Or make *taqlīd* of Abū Thawr, for he reached the pinnacle in all of this.

And if the *muqallid* is a Ḥanbalī it is said to them: Make *taqlīd* Muḥammad ibn Naṣr al-Marwazī, for he came after Aḥmad, met him, learned from him, and encompassed his knowledge. He met the companions of Mālik, al-Shāfiʿī, and the companions of Abū Ḥanīfah, and learned from them. He reached the utmost level of knowledge of the Qurʾān, the ḥadīth, the āthār, and argumentation, along with precise insight, great piety, and strong religion.

Or make *taqlīd* of Muḥammad ibn Jarīr al-Ṭabarī, for his knowledge and religion are well-known. Or al-Ṭaḥāwī, for he had knowledge well known by *ahl ul-'ilm* of the Qur'ān, *ḥadīth*, *ikhtilāf* of the people on the *āthār*.

Or Dāwūd ibn 'Alī, for he had extensive knowledge of narrations, the Qur'ān, the <code>hadīth</code>, the <code>āthār</code>, <code>ijmā</code>', and <code>ikhtilāf</code>, as well as precise insight and piety to a level beyond which there is nothing greater for and he came later than all of them, critiquing, and overseeing the methodology of everyone who preceded him.

And if they make *taqlīd* of Dāwūd, it is said to them: Make *taqlīd* of those who came after him, critiquing and opposing him, such as his own son, Ibn Surayj, al-Ṭabarī, Muḥammad ibn Naṣr al-Marwazī, and al-Ṭaḥāwī.

And in this manner forever, they would follow the next one, and the next one, which is an abandonment of the $ma'q\bar{u}l$ and religion as a whole.

And even if they incline to making *taqlīd* of the more virtuous, it would still be false, because the virtuous themselves are in disagreement about this. 'Umar retracted his opinion and accepted the statement of a woman from the general women when he was about to prohibit excessive dowries, and 'Umar is undoubtedly better than her. Abū Bakr and 'Umar used to gather the Companions and consult them. If the opinion of the more virtuous was obligatory to be made *taqlīd* of, then gathering the Companions would have no meaning, for they (Abū Bakr and 'Umar) were better than those they gathered to know what they had to say. In that case, they would have been mistaken in doing so. And we have mentioned hundreds of their differences before.

All of these are corrupt statements without any certain decisive evidence to prove the validity of any of them. The path of virtue is not the

same as the path of following in anything. The virtuous person can be mistaken, and it is prohibited to follow him in his error, and this does not detract from his virtue in any way.

The Messenger of Allāh said to Abū al-Dardā', "Salmān is more knowledgeable," when Salmān prevented him from praying all night and from continuous fasting. Salmān was more knowledgeable than Abū al-Dardā', this is while Abū al-Dardā' was more virtuous than Salmān, for Abū al-Dardā' was a participant in the Battle of Badr and 'Aqabah, and Salmān could not compare to him. Salmān's first battle was the Battle of the Trench. So the Prophet testified that the one who is lesser in virtue can be more complete in *fiqh*.

The Prophet said, "Perhaps someone who carries *fiqh* conveys it to someone who is more knowledgeable than he is." 277

And the Prophet said, "Perhaps one who receives the message understands better than the one who heard it." 278

And he was addressing the companions with it, so what we mentioned is undeniable. With the help of Allāh, this suffices.

And what suffices for all of this, is that everyone whom we mentioned from the $fuqah\bar{a}$ whom they make $taql\bar{\imath}d$ of invalidated $taql\bar{\imath}d$, prohibited it, prevented it, and said that the doer of it is upon falsehood, whether is knowledgeable or not.

Abū Muḥammad narrated, "Ḥumām told us, from al-Bājī, from Aslam al-Qāḍī, from al-Māzinī, from al-Shāfi'ī, that he prohibited the people from $taql\bar{\iota}d$ of him or anyone else."

And Abū Muḥammad narrated, "'Abd al-Raḥmān ibn Salama narrated to us, that Aḥmad ibn Khalīl narrated to us, that Khālid ibn Sa'd narrated to us, that Aḥmad ibn Khālid narrated to us, that Yaḥyā ibn 'Umar narrated to us, that al-Ḥārith ibn Miskīn narrated to us, that Ibn Wahb said, 'I heard Mālik say, when Ibn al-Qāsim said to him, 'No one after the people of Madīnah is more knowledgeable about buying and selling than the people of Egypt.' Mālik replied, 'From where did they learn that?' Ibn al-Qāsim said,

²⁷⁶ Sunan al-Kubrā by al-Nasā'ī 2752

²⁷⁷ Sunan Abī Dāwūd 3660

²⁷⁸ Sunan Ibn Mājah 233



'From you, O Abū 'Abdullāh!' Mālik said, 'I do not know it, so how can they know it?'"²⁷⁹

How could this be, when Allāh has spared us from their saying by what they say, as He explicitly stated in His Book the falsehood of *taqlīd*.

Allāh said, "The likeness of those who take *awliyā*' besides Allāh is that of the spider who builds a house, and indeed, the frailest of houses is the house of the spider, if they only knew" [Al-'Ankabūt: 41].

Then Allāh said after this verse, "And these examples We present to the people, but none will understand them except those of knowledge" [Al-'Ankabūt: 43].

So, whoever takes a man as an *imām*, presenting the words of his Lord and the words of His Prophet to the words of his *imām* and accepts from Allāh and his Messenger only what goes in accordance with that man's sayings but rejects what other than it, leaving behind the words of Allāh and His Prophet, while admitting that this is the word of Allāh and His Messenger, and adheres to the saying of his *imām*, he has taken a *walī* other than Allāh and has fallen under the generality of the aforementioned verse. O Allāh, we seek refuge in You from this act, for there is no greater calamity than this.

Allāh also said, "Or do you think that you will be left [as you are] while Allāh has not yet made evident those of you who strive [for His cause] and do not take other than Allāh, His Messenger, and the believers as intimates?" [At-Tawbah: 16].

There is no greater intimacy than making a specific man the standard by which the words of Allāh, His Messenger, and the words of the scholars of the ummah are measured.

Allāh also said, "The Day their faces will be turned about in the Fire, they will say, 'How we wish we had obeyed Allāh and obeyed the Messenger!' And they will say, 'Our Lord, indeed we obeyed our masters and our great ones, and they led us astray from the [right] path'" [Al-Aḥzāb: 66-67].

And Allāh also said, "Then bring your book, if you are truthful" [Aṣ-Ṣāffāt: 157].

Allāh also said, "Bring your certain decisive evidence, if you are truthful" [Al-Baqarah: 111].

²⁷⁹ Al-Jāmi' by ibn 'Abd al-Barr 1/263-264



Whoever does not bring forth the Book of Allāh as a witness to his statement, or a certain decisive for the truthfulness of his claim, is not truthful but a liar, fabricating against Allāh.

And whoever obeys his masters and leaders and abandons what has come to him from Allāh and His Messenger ## has been led astray, as explicitly stated by the Qur'ān, and deserves the punishment of the Fire, which we seek refuge in Allāh from.

Allāh has also conveyed about the *jinn* who accepted Islām, confirming their truthfulness, "And we had thought that mankind and the jinn would never speak about Allāh a lie" [Al-Jinn: 5].

So, the assumption of those who believe this about the leader they make *taqlīd* which Allāh did not order to make *taqlīd* of is invalid.

Allāh also said, "When those who were followed disassociate themselves from those who followed them, and they all see the punishment, and [all] ties between them are severed" [Al-Bagarah: 166].

This is how it is, by Allāh. Those esteemed individuals, whom people made $taql\bar{\iota}d$ of, had actually prohibited them from making $taql\bar{\iota}d$ of them, whether the followers were ignorant or not. Indeed, may Allāh have mercy on them, they distanced themselves in this world and the hereafter from anyone who made $taql\bar{\iota}d$ of them. And those righteous, virtuous people succeeded, while those who made $taql\bar{\iota}d$ of them perished after they had heard the severe warnings and prohibitions against $taql\bar{\iota}d$, and after they knew that their predecessors, whom they had made $taql\bar{\iota}d$ of, had forbidden them from making $taql\bar{\iota}d$ of them and disowned them if they did so.

Among that is what Abū Muḥammad narrated, "Aḥmad ibn 'Umar narrated to us: 'Alī ibn al-Ḥasan ibn Fahar told us, Abū al-Ṭāhir Muḥammad ibn Aḥmad al-Dhuhalī narrated to us, Ja'far ibn Muḥammad al-Firyābī narrated to us, Muḥammad ibn Ismā'īl told us, 'Abd al-'Azīz ibn 'Abd Allāh al-Uwaysī narrated to us, Mālik narrated to us: Rabī'ah used to say to Ibn Shihāb, 'My condition is not like yours. I speak based on my ra'ī. Whoever wants to take it and act upon it, they may do so, and whoever wants to leave it, they may leave it.""

And we have mentioned Mālik's statement and his regret on speaking based on that.

And Abū Ḥanīfah said as we narrated before, "This knowledge of ours is a ra $\bar{\imath}$. Whoever brings us something better than it, we accept it."

And Allāh Almighty said, "And when it is said to them, 'Follow what Allāh has sent down,' they say, 'Rather, we follow what we found our fathers doing,' even though their fathers understood nothing, nor were they guided." [Al-Baqarah: 170].

This is exactly what our opponents do, without *ta wīl* or reflection. Rather, when the verse and the authentic *ḥadīth*, which they acknowledge as authentic, are presented to them, and both of them oppose their corrupt *madhāhib*, they refuse to accept them, saying nothing other than, "We found our fathers and our elders upon this." Allāh has given them a sufficient response, and Allāh is sufficient for us, and He is the best disposer of affairs.

Allāh Almighty said, "And who is more astray than one who follows his desires without guidance from Allāh?" [Al-Qaṣaṣ: 50].

And Allāh Almighty said, "Have you seen the one who takes his desires as his god, and Allāh leaves him astray with knowledge, and seals his hearing and heart, and places over his vision a covering? So who will guide him after Allāh? Will you not then take heed?" [Al-Jāthiyah: 23].

This is a clear description of every *muqallid*, which he knows about himself by necessity, because he desired to make *taqlīd* of so-and-so and did so without knowledge. We found that he does not benefit from his hearing in what he hears of the verses and Sunnah that oppose his *madhhab*, nor does his vision benefit from what he sees of that, nor his intellect from what he knows of that. We found that he abandoned seeking guidance from the Book of Allāh and the words of His Prophet , and sought guidance from others below Allāh Almighty, so going far astray. So, alas for them! And woe for them!

And Allāh Almighty said, "Say, 'Shall we call upon others besides Allāh, that which neither benefits us nor harms us, and shall we turn back on our heels after Allāh has guided us? Like one whom the devils enticed in the earth, confused, while he has companions inviting him to guidance'" [Al-An'ām: 71].

This is exactly what the *muqallid* does, for he has committed himself to following someone who neither benefits him nor harms him, who will neither intercede for him on the Day of Judgment nor grant him a single good deed, nor will he remove a single sin from him. Likewise, his companions called him to what they claimed to be guidance, but Allāh Almighty belied



them and said, "Indeed, the guidance of Allāh is the guidance" [Al-Baqarah: 120].

So there is no guidance except what has come from Him, the Almighty.

And Allāh Almighty said, "And when they commit an immoral act, they say, 'We found our fathers doing it, and Allāh ordered us to do so." [Al-A'rāf: 28].

This is exactly what the *muqallidūn* have done. They have permitted the consumption of the flesh of predatory animals and domestic donkeys, despite the fact that the Messenger of Allāh prohibited them. They punished the forgetful and obligated the errant to pay expiation, while the Qur'ān and the Sunnah both clearly state that such obligations are lifted in such cases. When they were informed that all of these were immoral acts, they said: "We found our fathers doing this, and Allāh ordered us to do so."

And Allāh Almighty blamed a people who made *taqlīd* of their predecessors and narrated that they said, "Rather, they said, 'Indeed, we found our fathers upon a religion, and we are following in their footsteps.' And similarly, We did not send before you a warner to a city except that its affluent ones said, 'Indeed, we found our fathers upon a religion, and we are following in their footsteps'" [Az-Zukhruf: 22-23].

And Allāh Almighty said, "And when it is said to them, 'Come to what Allāh has sent down and to the Messenger,' they say, 'Sufficient for us is what we found our fathers doing,' even though their fathers knew nothing nor were they guided." [Al-Mā'idah: 104].

And Allāh Almighty said, "Do not follow the footsteps of Shayṭān. Indeed, he is to you a clear enemy. He only orders you to evil and immorality and to say about Allāh what you do not know. And when it is said to them, 'Follow what Allāh has sent down,' they say, 'Rather, we follow what we found our fathers doing,' even though their fathers understood nothing nor were they guided" [Al-Baqarah: 168-170].

And whoever makes *taqlīd* has spoken about Allāh what he does not know. This is a direct statement from the Lord of the worlds, to whom our return is, and before whom we will stand, and He will question us about what He ordered us regarding this. He will recompense us according to whether we obeyed or disobeyed.

So let a person fear Allāh regarding his own soul, knowing that Allāh's promise is true and that these are the covenants of his Lord with him. Let him repent from *taqlīd*, and let him examine his condition. If he finds within it these descriptions that Allāh Almighty has blamed, let him hasten to save himself by repenting from that and return to the glad tidings of accepting the word of his Lord Almighty, as He says, "So give good tidings to My servants. Those who listen to the word and follow the best of it. Those are the ones whom Allāh has guided, and those are the people of understanding" [Az-Zumar: 17-18].

So the one who is deprived is the one deprived of this glad tiding and has left this praiseworthy description. We ask Allāh to include us among its people and to make us steadfast among them, $\bar{A}m\bar{\nu}n$.

Indeed, the one whom Allāh Almighty describes as being guided, as being given glad tidings, and as being among the people of understanding has succeeded. This is the description of someone who listens to the words [of others] but does not make *taqlīd* of them and chooses 'the best of them.' The best of them is what Allāh Almighty and His Messenger have testified to as good, which is that what is in the Qur'ān and the Sunnah.

So it has been established by the explicit words of Allāh that the *taqlīd* of men and women, in general, is false and that following fathers and leaders is absolutely prohibited. And this was the way of the righteous predecessors.

Abū Muḥammad narrated, "Muḥammad ibn Saʿīd al-Nabāt informed us: Aḥmad ibn 'Awn Allāh told us: Qāsim ibn Aṣbagh narrated to us: Muḥammad ibn 'Abd al-Salām al-Khushanī told us: Muḥammad ibn Bashshār narrated to us: Muḥammad ibn Jaʿfar Ghundar told us: Shuʿbah narrated to us, from 'Āṣim al-Aḥwal, from al-Shaʿbī, that Abū Bakr said regarding *al-kalālah*, 'I give a ruling about it, and if it is correct, it is from Allāh, and if it is wrong, it is from me and from Shayṭān, and Allāh is free of it. *Al-kalālah* is what is below [i.e., aside from] the child and the parent.' Then 'Umar ibn al-Khaṭṭāb said, 'I am too ashamed before Allāh to differ with Abū Bakr.'"²⁸⁰

And this is the narration they used to deceive, and they permitted lying by selectively quoting it and separating it from what came before it, they only quoted the saying of 'Umar. But 'Umar was only ashamed to differ

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 $^{^{280}}$ Al-Muṣannaf by 'Abd al-Razzaq 19191, 10/204

with Abū Bakr, may Allāh be pleased with them both, in his acknowledgment of his mistake and that not all his words were correct, not regarding his statement on *al-kalālah*. The certain evidence for that is that 'Umar admitted at the time of his death that he had not ruled on anything regarding *al-kalālah*. He admitted that he had never fully understood it. And even if it would be established that he agreed with Abū Bakr regarding *al-kalālah* in the mentioned *ḥadāth*, it would not be a *ḥujjah*, because al-Shaʿbī, the narrator of the narration, did not meet 'Umar. And his narration is even further removed when it is from 'Alī, with differing reports regarding whether he saw him as well.

As for the *idtirāb* about 'Umar regarding the inheritance of the grandfather, Abū Muḥammad narrated, "Muḥammad ibn Saʿīd informed me: from Aḥmad ibn 'Awn Allāh, from Qāsim ibn Aṣbagh, from al-Khushanī, from Bundār, from Ibn Abī 'Adī Shu'bah, from Yaḥyā ibn Saʿīd al-Anṣārī, from Saʿīd ibn al-Musayyib, who said, 'Umar ibn al-Khaṭṭāb, when he was critiqued, said, 'I have not ruled on anything regarding the grandfather.'"²⁸¹

As for the differing narrations from 'Umar, may Allāh be pleased with him, regarding *al-kalālah*, it is as follows: Abū Muḥammad narrated, "Ḥumām told me, and he said: Ibn Mufarrij narrated to us from 'Abd al-A'lā ibn Muḥammad ibn al-Ḥasan, the judge of Ṣan'ā', from al-Dayrī, from 'Abd al-Razzāq, from Ma'mar, from al-Zuhrī, from Sa'īd ibn al-Musayyib, that 'Umar ibn al-Khaṭṭāb wrote a document concerning the inheritance of the grandfather and *al-kalālah*. He continued seeking guidance from Allāh, saying, 'O Allāh, if there is good in it, then let it be.' But when he was critiqued, he called for the document to be erased, and no one knew what was in it. He said, 'I had written a document concerning the grandfather and *al-kalālah*, and I was seeking guidance from Allāh regarding it, but I have decided to leave you upon what you were previously upon.'"²⁸²

And 'Abd al-Razzāq narrated, "Ibn Jurayj narrated to us: Ibn Ṭāwūs informed me from his father, from Ibn 'Abbās, that 'Umar ibn al-Khaṭṭāb said in his will before his death, '*Al-kalālah* is as I have said.' Ibn 'Abbās asked, 'And what did you say?' He replied: 'One who has no children."²⁸³

²⁸¹ Musnad Ahmad 1/46

²⁸² Al-Musannaf by 'Abd al-Razzaq 19183, 10/301-302

²⁸³ Al-Musannaf by ibn Abī Shaybah 31599, 6/298



This is the most authentic *sanad* that comes in this chapter concerning 'Umar due to its *ittiṣāl*, and '*adālah* of its transmitters, their *imāmah*, and the correctness of their hearing from one another.

And as you can see, it opposes Abū Bakr's saying regarding *al-kalālah*, because Abū Bakr used to say that *al-kalālah* refers to someone who has neither children nor parents.

And 'Umar, at the time of his death, said that *al-kalālah* refers to someone who has no children only, with a *sanad* that has no flaw in. So it is established that he did not in the previous narration mean following Abū Bakr at all.

Abū Muḥammad narrated, "Muḥammad ibn Saʿīd al-Nabāt informed us: Aḥmad ibn ʿAwn Allāh told us: Qāsim ibn Aṣbagh narrated to us: Muḥammad ibn ʿAbd al-Salām al-Khushanī told us: Muḥammad ibn Bashshār narrated to us: Muḥammad ibn Jaʿfar Ghundar told us: Shuʿbah narrated to us from ʿĀṣim from al-Shaʿbī. He said: ʿAbdullāh ibn Masʿūd was asked about a woman whose husband had died and who was not assigned a *mahr*, and [Ibn Masʿūd] was consulted on the matter for a month. He then said, 'There is nothing more difficult for me to answer, since the death of the Messenger of Allāh ﷺ, than this. There is no explicit Qurʾānic verse about it nor a non-abrogated Sunnah. I will give a ruling on it, and if it is correct, then it is from Allāh; and if it is wrong, then it is from Shayṭān, and Allāh is free from it."

This is Ibn Mas \dot{u} acknowledging his mistake and the absence of Sunnah concerning it. And in this story, there was an authentic Sunnah that was hidden from him, which he later learned. There is no way to find anyone among the Companions or the $T\bar{a}bi$ $\bar{i}n$ without acknowledging the possibility of mistake.

The correct narration from al-Sha'bī in the narration that we mentioned is what Abū Muḥammad narrated, "Muḥammad ibn Sa'īd ibn al-Nabāt informed us about: Aḥmad ibn 'Awn Allāh narrated to us: Qāsim ibn Aṣbagh narrated to us: al-Khushanī narrated to us: Bundār narrated to us: Ghundar narrated to us: Shu'bah narrated to us from Yaḥyā ibn Sa'īd al-Taymī (of the Banū Taym al-Rabāb) who said: I heart al-Sha'bī narrate about ibn 'Umar, from 'Umar, 'There are three things I wish the Messenger of Allāh had not passed away until he had made clear: the ruling the inheritance of the grandfather, *al-kalālah*, and the chapters of *ribā*."

This is what is authentically connected through the *tarīq* of al-Shaʿbī. Then we say: Indeed, the astonishment increases from who persist in choosing to take the words of a particular human, who was neither accompanied by a miracle from Allāh Almighty nor did any sign appear from him, and whom Allāh did not testify to his infallibility from mistake nor to his *wilāyah*.

And it is even more astonishing if this person is from the $T\bar{a}bi$ $\bar{i}n$ or those after them, about whom there is no certainty regarding the unseen of their Islām, and for whom the *muqallid* has nothing in his hands more than a good assumption that he, from the apparent, appears to be one of the virtuous Muslims. Yet, there is no certainty that he has any merit over others, nor is there any testimony that he surpasses those that are the like of him. Indeed, this is clear misguidance.

And what is it that made it obligatory for him to incline toward this person, rather than inclining toward someone else who is from the apparent like him, or perhaps better in the apparent or in reality, from the early Companions? To the point that they started practicing their religion according to his words, which are their means to Allāh Almighty, not hoping for salvation from the punishment of the Hereafter except through him the one they make *taqlīd* of.

And we find the poor people, in matters of their worldly affairs, not making *taqlīd* of anyone. None of them buys anything and whatever is above or less than that (buying) except after examining it, assessing its value, and fears *ghabn* (deception in sales: paying significantly more than the customary price). But they do not fear deception in their religion, which concerns their eternal destruction or salvation. You find them accepting it recklessly and blindly, 'Give me what Mālik, Ibn al-Qāsim, and Suḥnūn said,' if he is Mālikī, or 'Give me what Abū Ḥanīfah, Abū Yūsuf, and Muḥammad ibn al-Ḥasan said,' if he is Ḥanafī, or 'Give me what al-Shāfī'ī said,' if he is Shāfī'ī, and nothing more.

By Allāh, if they, may Allāh have mercy on them, were to come on the Day of Resurrection with the weight of the heavens and the earth in good deeds, they would not show mercy to them with a single one of that. And if the deceived were to come in that situation with the weight of the heavens and the earth in sins, they would not lessen from it a single one, nor would



they stand by, nor would they care about it, nor would they benefit him with any benefit.

Then we will lower the level of their question and say: What has driven you to hastily sway to the words of Mālik and Ibn al-Qāsim? Why did you not follow the sayings of 'Umar ibn al-Khattāb and his son, since they are more knowledgeable and better than Mālik and Ibn al-Qāsim in the sight of Allah, the Exalted, without a doubt? And we say to the Hanafis: What has compelled you to insist on the sayings of Abū Ḥanīfah, Abū Yūsuf, and Muḥammad ibn al-Ḥasan? Why did you not seek the sayings of 'Abdullāh ibn Mas'ūd and 'Alī and insist on them, as they are better and more knowledgeable than Abū Hanīfah, Abū Yūsuf, and Muhammad ibn al-Hasan in the sight of Allāh, the Exalted, without a doubt? And we say to those who follow al-Shāfi'ī, may Allāh have mercy on him: Did he not forbid you from making taqlīd of him and order you to follow the words of the Prophet #? So why did you not follow him in this truthful statement, which is not permissible for anyone to oppose? Did he not say, may Allāh have mercy on him, when he mentioned the narration of the Prophet regarding those who died while having missed obligatory fasts, that their walī must fast on their behalf?284

He said, may Allāh have mercy on him, "If this narration is authentic, then that is what I say, and we disassociate ourselves from any ra $\bar{\iota}$ that contradicts the $\underline{\textit{Had}\bar{\iota}th}$ of the Prophet."

And the mentioned $\underline{Had\bar{\imath}th}$ is in the pinnacle of authenticity from the $\underline{tar\bar{\imath}q}$ of ' \bar{A} ' ishah, may All $\bar{a}h$ be pleased with her.

Yet you follow your custom in constantly seeking to invalidate it through various weak tricks, and he prohibited you from accepting the *mursal ḥadīth*, yet you still accept it in the prohibition of selling meat for animals, following the mistake of him, may Allāh have mercy on him, from which no one is protected.

²⁸⁴ Sahīh al-Bukhārī 1952



For following Ibn 'Abbās would have been more appropriate for you, since he is undoubtedly better and more knowledgeable in the sight of Allāh, the Exalted, than al-Shāfi'ī.

And some of them said, "We have not been granted the 'aql and understanding that would allow us to derive fiqh from the Qur'ān and the $had\bar{\iota}th$ of the Prophet."

Then it is said to them: Did Allāh deprive you of the 'aql by which you understand, when He has obliged you to understand? As He says, the Exalted, "Do they not reflect upon the Qur'ān, or are there locks upon their hearts?" [Muḥammad: 24]

And you have heard Allāh say, "O you who have believed, upon you is [responsibility for] yourselves. Those who have gone astray will not harm you when you have been guided" [Al-Mā'idah: 105].

And you have heard Allāh say, "No soul earns [any punishment] except against itself" [Al-Anʿām: 164].

And you have heard Him say, "Allāh does not burden a soul beyond that it can bear" [Al-Baqarah: 282].

If it were not within your capacity to understand the rulings of the Qur'ān, He would not have ordered you to reflect upon it. And if it were not within your capacity to understand the words of the Prophet # . He would not have ordered him ## to clarify to you nor ordered you to obey him, if you believe in the words of your Lord. Then how have your minds have fallen short in understanding what Allah, the Exalted, has obligated you to reflect upon and to take from, while your minds have expanded to understand al-Shāfi i, Mālik, and Abū Ḥanīfah. While Allāh, the Exalted, has never ordered you to listen to them specifically without the remaining of the scholars, nor has your Lord, the Exalted, ever guaranteed you help in understanding their words as He has guaranteed you in understanding His own words, as He does not burden you beyond your capacity. We are certain that Allāh, the Exalted, does not order us to do anything except that He has provided the ways to reach it, made it easy, and clarified it. We are undoubtedly certain that the means of understanding the rulings of the verses and the *ḥadīth* that we have been ordered to accept are clear to those who seek them, if you believe in your Lord, and if you disbelieve, you have disbelieved. As for what we have not been ordered to follow, the ra i of Malik and Abū Hanīfah and the



statement of al-Shāfi'ī, there is no way to affirm certainty that understanding is possible for us.

Abū Muhammad narrated, "Ahmad ibn 'Umar al-'Udhrī narrated to us: Abū Muhammad al-Hasan ibn Ahmad ibn Ibrāhīm ibn Firās narrated to us: Abū Hafs 'Umar ibn Muhammad ibn Ahmad ibn 'Abd al-Rahmān ibn 'Amr ibn Abī Sufyān ibn 'Abd al-Rahmān ibn Safwān ibn Umayyah ibn Khalaf al-Jumahī narrated to us: Abū al-Hasan 'Alī ibn 'Abd al-'Azīz narrated to us: al-Asbahānī narrated to us: 'Abd al-Salām narrated to us: Ghutayf ibn A'yan al-Muhāribī narrated from Mus'ab ibn Sa'd from 'Adī ibn Hatim who said, 'I came to the Prophet and I had a cross of gold around my neck. He said to me, "O son of Hatim, remove this idol from your neck." So I removed it, and then He began reciting Sūrah al-Tawbah and recited until he reached the verse, 'They have taken their rabbis and their monks as lords besides Allāh.' So I said, 'O Messenger of Allāh, we did not worship them.' The Prophet *replied, 'Did they not make *halāl* for you what is *harām*, and you accepted it as *halāl*, and did they not make *harām* for you what is *halāl*, and you accepted it as harām?' I said, 'Yes.' He said, 'That is your worship of them.",285

This <code>hadīth</code> is weak as it is not free from Ghuṭayf ibn A'yan al-Muḥāribī is weak. In this weak <code>hadīth</code> which they themselves declare authentic the Prophet acalled the act of following someone other than the Prophet in matters of making things permissible and prohibited; an act of worship. Everyone who makes <code>taqlīd</code> follows a <code>muftī</code> who makes mistakes and gets things right will inevitably make <code>istihlāl</code> of the <code>harām</code> and the make <code>harām</code> the <code>halāl</code>. And the certain decisive evidence of this is that some of them prohibit what others make permissible, and there is no other than way than for one of them to be wrong.

Is it not from the most astonishing of astonishments that a person turns away from the path which his Creator ordered him to follow, promising to clarify the way to the truth, and ordered him to concern himself with his own soul and not others? And then he abandons all of this, and chooses to follow a path he was not ordered to follow, with no guarantee of the correct way on it, and instead, is prohibited from that, being criticized for it and blamed severely by his Lord, the Almighty with the most severe blame.

²⁸⁵ Sunan al-Tirmidhī 3095



While the one they make $taql\bar{\iota}d$ of prohibits them from making $taql\bar{\iota}d$ of him. So who is more astray than these people?

Some of those who make *taqlīd* of Mālik argued that Mālik was the one referred to in the statement of the Messenger of Allāh warning about a time when there would be no scholar more knowledgeable than the scholar of Madīnah.

Abū Muḥammad narrated, "'Abd Allāh ibn al-Rabī' al-Tamīmī narrated to us from Muḥammad ibn Mu'āwiyah from Aḥmad ibn Shu'ayb that 'Alī ibn Muḥammad narrated to us: Muḥammad ibn Kathīr from Sufyān ibn 'Uyainah from Ibn Jurayj from Abū al-Zinād from Abū Ṣāliḥ from Abū Hurayrah who said that the Messenger of Allāh said, 'They will travel, beating the flanks of their camels in search of knowledge, but they will not find a scholar more knowledgeable than the scholar of Madīnah.'" Then Al-Nasā'ī said, "His saying, 'Abū al-Zinād' is a mistake, He is only Abū al-Zubayr."

Abū Muḥammad narrated, "Aḥmad ibn 'Abd Allāh al-Ṭalamankī also narrated this to us, from Ibn Mufarrij, from Muḥammad ibn Ayyūb al-Ṣamūt, from Aḥmad ibn 'Amr ibn 'Abd al-Khāliq al-Bazzār, from 'Amr ibn 'Alī, from Sufyān ibn 'Uyainah, from Ibn Jurayj, from Abū al-Zubayr, from Abū Hurayrah who said that the Messenger of Allāh said, 'A time will come when they will beat the flanks of their riding animals but will not find a scholar more knowledgeable than the scholar of Madīnah.'" Al-Bazzār, "Ibn Jurayj did not narrate from Abū Ṣāliḥ except this <code>hadīth</code>."²⁸⁷

Abū Muḥammad narrated, "Aḥmad ibn 'Umar narrated to us: 'Alī ibn al-Ḥasan ibn Fahr narrated to us: Muḥammad ibn 'Alī narrated to us: Muḥammad ibn 'Abd Allāh al-Bayyi' narrated to us by permission: Abū al-Naḍr the jurist Aḥmad ibn Muḥammad al-'Anazī narrated to us: 'Uthmān ibn Sa'īd al-Dārimī narrated to us: Abū Muslim narrated to us from 'Abd al-Raḥmān ibn Yūnus al-Mustalamī: Mu'ān ibn 'Īsā narrated to me: Zuhayr Abū al-Mundhir al-Tamīmī narrated to us: 'Ubayd Allāh ibn 'Umar ibn Sa'īd ibn Abī Hind narrated from Abū Mūsā al-Ash'arī who said that the Messenger of Allāh said, 'People will come from the east seeking knowledge, but they will not find a scholar more knowledgeable than the scholar of Madīnah.'"

²⁸⁶ Al-Sunan Al-Kubra by Al-Nasā'ī 4291, 2/489

²⁸⁷ Al-Musnad by Al-Bazzar 8925, 15/353

Abū Muḥammad narrated, "Aḥmad ibn 'Umar narrated to us: Fihr narrated to us: Ibn Aḥmad ibn Ibrāhīm ibn Firās narrated to us: Ibn al-A'rābī narrated to us: Muḥammad ibn Ismā'īl al-Ṣūfī narrated to us: 'Alī ibn al-Madīnī narrated to us: Sufyān ibn 'Uyainah narrated to us: (He mentioned the ḥadīth), then he said, 'We attribute it to Mālik ibn Anas.'

Ibn Farās said, "Muḥammad ibn Aḥmad al-Yaqṭīnī narrated to us, Muḥammad ibn Aḥmad ibn Salm al-Ḥarrānī narrated to us, Abū Mūsā al-Anṣārī narrated to us and mentioned this ḥadīth, saying: 'It reached me from Ibn Jurayj that he used to say, 'We think it is Mālik ibn Anas.'"

This is a $had\bar{\imath}th$ for which they were not satisfied enough with the disgrace of their action in $taql\bar{\imath}d$, until they added to that lying against the Messenger of Allāh about the description mentioned in the $had\bar{\imath}th$. While there is in its sanad Abū al-Zubayr, who is a mudallis unless he says, "narrated to us" $haddathan\bar{\imath}a$ or "informed us" $haddathan\bar{\imath}a$.

And while that is the case that description was not present in the time of Mālik, because in his time there was Ibn Abī Dhi'b, 'Abd al-'Azīz ibn al-Mājishūn, Sufyān al-Thawrī, al-Layth, and al-Awzā'ī, and it is impossible for anyone with the slightest fairness or knowledge to prefer Mālik in knowledge or piety over any one of them, nor in his understanding of the Qur'ān, nor of the *ḥadīth* of the Prophet , nor the statements of the Companions, may Allāh be pleased with them.

What has led them to claim that it was Mālik, and not to say that it was Saʿīd ibn al-Musayyib, who was more knowledgeable and more virtuous than Mālik?

And they mentioned from Sufyān ibn 'Uyaynah that he said they used to think it was Mālik. They said, "Sufyān meant by that the *Tābi* 'īn.""

They added another lie, and what evidence do they have that Sufyān meant by that the $T\bar{a}bi\,\bar{i}n$, even if it is authentically transmitted from Sufyān? Perhaps he meant by that the followers of Mālik from among his junior companions.

Some of them said, "Sufyan met the *Tābi* 'īn so he meant them."

This is a weak lie, what does connection of Sufyān with the $T\bar{a}bi$ $\bar{b}n$ oblige him refer to them with this statement? So how could it be when nothing about Sufyān is authentic except what we just narrated that it was merely a zann of him? And such recklessness on affirming certainty by mere $zun\bar{u}n$ is not easily done except the one that lies easily, and we seek refuge in Allāh.

And even if the Prophet had meant the companions with that narration, then it would still not have implied any *taqlīd*, it is then no different from all other narrations indicating their virtue, then how about if it would be ever about Mālik?

And among what clarifies their lie about this concerning Sufyān ibn 'Uyaynah is what was narrated to us by Abū Muḥammad, "Aḥmad ibn 'Umar ibn Anas al-'Udhrī, who narrated to us from Aḥmad ibn 'Īsā ibn Ismā'īl al-Balawī, who narrated to us from Ghundar, who narrated to us from Khalaf ibn al-Qāsim, the hāfîz, who narrated to us from Abū al-Maymūn 'Abd al-Raḥmān ibn 'Abd Allāh ibn 'Umar ibn Rāshid al-Bajalī, who narrated to us from Abū Zur'ah 'Abd al-Raḥmān ibn 'Amr ibn 'Abd Allāh ibn Ṣafwān al-Naṣrī. Muḥammad ibn Abī 'Umar said that Sufyān ibn 'Uyaynah said, 'If people were asked who is the most knowledgeable, they would say Sufyān,' meaning al-Thawrī."

So Sufyān ibn 'Uyaynah, affirms that they used to say Sufyān (al-Thawrī) is the most knowledgeable of people, which is not only about Mālik anymore but also others.

As for the narration from Abū Jurayj, it is not known from whom it came; it is merely a weak narration, as you can see. And by Allāh, the Exalted, is success.

And camels were driven in the days of 'Umar in search of true knowledge, which is the real knowledge—knowledge of the Qur'ān and the Sunnah of the Messenger of Allāh . People emigrated to Madīnah during his caliphate, seeking knowledge and understanding of the religion, and there was no one in the various regions at that time who was regarded as more knowledgeable than 'Umar. Especially with the Prophet testifying to his knowledge and piety. And the most that could be doubted was whether 'Alī, 'Ā'ishah, Mu'ādh, or Ibn Mas'ūd were equal to him in knowledge. As for affirming certainty that they were more knowledgeable than him altogether is not possible at all.

As for excessive $ra\ \tilde{\tau}$, it is not knowledge at all. If it were knowledge, then Abū Ḥanīfah, Abū Yūsuf, and Muḥammad ibn al-Ḥasan would be more knowledgeable than Mālik because they issued more $fatw\bar{a}s$ and $ra\ \tilde{\tau}$ than him. So $ra\ \tilde{\tau}$ is not knowledge. 'Ilm is only preserving the Sunnah of the Messenger of Allāh and the statements of the Companions and the $T\bar{a}bi\ \tilde{\tau}n$. In the time of Mālik, there were those who had more knowledge than him,



like Shu'bah and Sufyān, and those who were his equals, like Sufyān ibn 'Uyaynah, al-Awzā'ī, Hushaym, and others. So, the falsehood of those who lied about the aforementioned *ḥadīth* is apparent. By Allāh, the Exalted, is success.

And then even if it would be authentic and it would be affirmed in it that it is Mālik by name and lineage, then the *ḥadīth* only indicates that there is no one more knowledgeable than him, but there is not in it that there is no one equal to him in knowledge.

So their argument by this is invalid, and it does not deny the existence of someone equal to him in knowledge.

Some of the Shāfiʿīs opposed them by what was narrated to us by Abū Muḥamad, "Hishām ibn Saʿīd al-Khayr ibn Fatḥūn, who narrated to us from 'Abd al-Jabbār al-Muqrīʾ in Egypt, who narrated to us from al-Ḥasan ibn al-Ḥusayn al-Nujayramī, who narrated to us from Jaʿfar ibn Muḥammad al-Aṣbahānī, who narrated to us from Yūnus ibn Ḥabīb, who narrated to us from Abū Dāwūd al-Ṭayālisī, who narrated to us from Jaʿfar ibn Sulaymān from al-Naḍr ibn Ḥumayd from al-Jārūd from 'Abd Allāh ibn Masʿūd that the Messenger of Allāh ﷺ said, 'Do not insult Quraysh, for its scholar will fill the earth with knowledge. O Allāh, You made its first part taste punishment or affliction, so make its last part taste reward.'"²⁸⁸

They said, "This is the description of al-Shāfi'ī, because no *Qurashī* has filled the earth with knowledge besides him."

This is da'īf as Al-Naḍr ibn Ḥumayd is weak.

Abū Muḥammad narrated, "Aḥmad ibn Muḥammad ibn al-Jassūr narrated to us, saying: Ibn Abī Dulaim narrated to us, and Ibn Waḍḍāḥ narrated to us, and Abū Bakr ibn Abī Shayba narrated to us, from 'Abd al-A'lā, from Ma'mar al-Azharī, from Sahl ibn Abī Ḥuthma, that the Messenger of Allāh $\stackrel{\text{\tiny \#}}{=}$ said, 'Learn from Quraysh and do not teach them, and give precedence to Quraysh and do not delay them, for the *Qurashī* has the strength of two men from other than Quraysh.'"²⁸⁹

This is an authentic *ḥadīth*, more authentic than the *ḥadīth* they tumult with.

As for the truth in that <code>hadīth</code> about the scholar from Madīnah, it is that the description the Prophet **clarified in that <code>hadīth</code> has not yet occurred

²⁸⁸ Musnad Abī Dāwūd Al-Tayalisi 307, 1/244-245

²⁸⁹ Al-Muṣannaf by ibn Abī Shaybah 32386, 6/402

till this time, if the mentioned *ḥadīth* would be authentic, because the era, up until now, has never been devoid of scholars comparable that are equal to the scholars of Madīnah.

During the era of the Companions, there were Ibn Masʿūd, ʿAlī, and Sulaymān in Iraq; Muʿādh and Abū al-Dardāʾ were in al-Shām (the Levant); and Ibn ʿAbbās was in Mecca. It is not permissible for anyone with piety and knowledge to say that ʿUmar, ʿĀʾisha, Ubayy ibn Kaʿb, and Zayd ibn Thābit were more knowledgeable in *fìqh* than ʿAlī, Ibn Masʿūd, and Muʿādh. Nor was Ibn ʿAbbās inferior to those we mentioned.

Then the $T\bar{a}bi$ $\bar{u}n$ came, and no one with piety and knowledge can say that Saʻ \bar{i} d ibn al-Musayyib and Sulaym \bar{a} n ibn Yas \bar{a} r were more knowledgeable in fiqh than 'A \bar{i} a', al-Ḥasan, 'Alqama, and al-Aswad.

Then the younger $T\bar{a}bi\,\dot{u}n$ came, and no one with piety and knowledge can say that Rabī ah, al-Zuhrī, and Abū al-Zinād were more knowledgeable in fiqh than Ibrāhīm al-Nakha ā, Āmir, al-Sha bī, Sa ā ibn Jubayr, Ayyūb al-Sakhtiyānī, and 'Umar ibn Abd al-Azīz.

Then the era of Mālik came, and with him were Ibn Abī Dhi'b, Sufyān al-Thawrī, al-Awzā'ī, Ibn Jurayj, and al-Layth, and none of those we mentioned were inferior to him in narration, understanding, or piety. This continued until the knowledge of *fiqh* in Madīnah was completely interrupted and settled in other regions.

So the *ḥadīth*, if it would be authentic, refers to a time near the Hour, when faith retreats to Madīnah and Mecca, and when the Dajjāl dominates the earth, except for Mecca and Madīnah. Only then will that occur. But until now, the attribute mentioned in that *ḥadīth* has not yet manifested, and this is evident and clear.

As for the warning about what we mentioned, it is as we were narrated by Abū Muḥammad, "Humām ibn Aḥmad, from 'Abdullāh ibn Ibrāhīm, from Abū Zayd al-Marwazī, from Muḥammad ibn Yūsuf, from Muḥammad ibn Ismā'īl al-Bukhārī: Ibrāhīm ibn al-Mundhir narrated to us, and Anas ibn 'Iyāḍ narrated to us, saying: 'Ubaydullāh narrated to me, from Khubayb ibn 'Abd al-Raḥmān, from Ḥafṣ ibn 'Āṣim, from Abū Hurayra, that the Messenger of Allāh said, 'Indeed, faith will retreat to Madīnah as a snake retreats to its hole.'"²⁹⁰

²⁹⁰ Şaḥīḥ al-Bukhārī 1876

And as we were narrated by Abū Muḥammad, "'Abdullāh ibn Yūsuf ibn Nāmī, from Aḥmad ibn Fatḥ, from 'Abd al-Wahhāb ibn 'Īsā, from Aḥmad ibn Muḥammad, from Aḥmad ibn 'Alī, from Muslim ibn al-Ḥajjāj: Muḥammad ibn Rāfī 'and al-Faḍl ibn Sahl narrated to us, saying: Shabāba ibn Sawwār narrated to us, saying: 'Āṣim ibn Muḥammad al-'Umarī narrated to us from his father, from Ibn 'Umar, from the Prophet ﷺ, who said, 'Islām began as something strange and will return as something strange as it began, and it will retreat between the two mosques as a snake retreats to its hole.""²⁹¹

And as Abū Muḥammad narrated, "Humām ibn Aḥmad narrated to us, from 'Abdullāh ibn Ibrāhīm, from Abū Zayd, from al-Firabrī, from al-Bukhārī: Ibrāhīm ibn al-Mundhir narrated to us, saying: al-Walīd ibn Muslim narrated to us, saying: Abū 'Amr al-Awzā'ī narrated to us, saying: Isḥāq ibn 'Abdullāh ibn Abī Ṭalḥa narrated to me from Anas ibn Mālik, from the Prophet , who said, 'There is no land that the Dajjāl will not trample upon except for Mecca and Madīnah.'"²⁹²

Then we say to them: Suppose, even if the mentioned <code>hadīth</code> were authentic, and suppose that it were established without doubt that it is Mālik, what would be in it that obliges following him over other scholars? There is no doubt among any of the <code>hadīth</code> transmitters regarding the authenticity of the <code>hadīth</code> attributed to the Messenger of Allāh , wherein he saw a vision in which he was given a cup of milk and drank from it until he saw that the moisture was running through his nails. Then he passed what remained to 'Umar. He was asked, "O Messenger of Allāh, how do you interpret that?" He said, "Knowledge." ²⁹³

And it is authentically narrated that he saw his *ummah*, and they were wearing shirts, some of which reached their chests, and 'Umar was wearing a shirt that he was dragging. He said that this was religion²⁹⁴.

So it is established from the Prophet \cong that 'Umar was one of the most knowledgeable of his *ummah* and companions, and one of their *imāms* in religion. There is no difference of opinion among the Muslims that 'Umar, 'Alī, Ibn Mas'ūd, and 'Ā'ishah are more knowledgeable than Mālik, without any doubt. And this does not oblige $taql\bar{t}d$ of any of them specifically in any

²⁹¹ Sahīh Muslim 146

²⁹² Sahīh al-Bukhārī 1881

²⁹³ Sahīh Muslim 2391

²⁹⁴ Sahīh al-Bukhārī 23, 3691



of their statements, as they have done with Mālik. So their reliance on the mentioned *hadīth*, and this is if it being Mālik would be affirmed.

Then how when their ta ' $w\bar{t}l$ of it is a pure lie that no one is permitted to attribute to the Messenger of All $\bar{a}h$ $\stackrel{\text{def}}{=}$?

What is the difference between them and the Shāfī'īs if they were to make <code>istiḥlāl</code> of saying, "Verily the statement of the Messenger of Allāh, "People are to follow Quraysh in this matter, the righteous among them following the righteous, and the wicked among them following the wicked," refers to al-Shāfī'ī because he is of Qurayshī descent, and the people must follow him."

And what is the difference between them and the Dāwūdīs (the Zāhirīs) if they were to claim that the statement of the Messenger of Allāh, "If knowledge (or this religion) were at the Pleiades, a man or men from among the Persians would attain it," refers to Dāwūd al-Zāhirī or Abū Hanīfah because they were of Persian descent?

And this is while these two *ḥadīths* are authentic there is no doubt regarding their authenticity. Meanwhile, the *ḥadīth* regarding the "Scholar of Madīnah" is *ma'lūl* and not authentic.

If they argue that there were scholars from Quraysh other than al-Shāfiʿī and from Persia other than Dāwūd and Abū Ḥanīfah.

It is said to them: And indeed, there were scholars in Madīnah other than Mālik, without any doubt. This would then be <code>istiḥlāl</code> of lying about the Messenger of Allāh , which no person with fear of Allāh permits.

As for their argument based on Mālik's statement, "This is the practice in our land (Madīnah)."

This has no meaning to it because the practice in Madīnah twenty-three years before Mālik's birth was not led except by injustice, oppression, and corruption, and only the corrupt were appointed as rulers by Banū Marwān and then Banū al-ʿAbbās, such as al-Ḥajjāj, Ḥubaysh ibn Duljah, Ṭāriq, ʿAbd al-Raḥmān ibn al-Ḍaḥḥāk, and others who do not matter. Mālik never witnessed in Madīnah the years he began to comprehend any act of an *amīr* or governor that can be followed in any way. The alteration in the Sunnah had begun before what we mentioned, as when Marwān said, "What is there is abandoned." The evidence for what we mentioned is their

²⁹⁵ Sahīh Muslim 1818

²⁹⁶ Sahīh al-Bukhārī 4897 | Ṣaḥīḥ Muslim 2546

abandonment of the practice of 'Umar and 'Uthmān as mentioned in al-Muwatta'. So using as argument 'the practice of our land' is entirely invalid, and nothing remains except narrations from the Prophet ** transmitted by reliable scholars from those like them. As the wrongdoers could not prevent them from their tongue, as they prevented them from acting. And with Allāh's help is success.

One of the clear certain decisive evidences of the invalidity of *taqlīd* is that the people of the first, second, and third generations—those centuries which the Prophet praised, as Abū Muḥammad narrated, "Abdullāh ibn Rabī'ah narrated to us from Muḥammad ibn Isḥāq ibn Salīm from Ibn al-A'rābī from Abū Dāwūd from Musaddad and Amr ibn Awn, who both said: Abū Awānah narrated to us from Qatādah from Zurārah ibn Awfā from Imrān ibn al-Ḥuṣayn, who said: The Messenger of Allāh said, The best of my *ummah* is the generation in which I was sent, then those who follow them, then those who follow them (and Allāh knows best whether he mentioned the third or not). Then there will appear a people who will testify without being asked to testify, they will make vows but not fulfill them, they will be treacherous and not trustworthy, and obesity will spread among them."

We also narrated it with the word "betray" through the *tarīq* of Muslim, from Muḥammad ibn al-Muthannā, from Ghandar, from Shuʿbah, from Abū Ḥamzah, from Zahdam, from ʿImrān, from the Messenger of Allāh. The people of these praiseworthy generations would seek the *ḥadīth* of the Prophet and understanding in the Qurʾān, and they would travel to other lands for that purpose. If they found a *ḥadīth* from him, they would act upon it and believe in it, and none of them made *taqlīd* of anyone at all. Then, when the people of the fourth generation came, they abandoned all of that and relied on the *taqlīd* that they had innovated which did not exist before them.

Then the weak followers of Abū Ḥanīfah made *taqlīd* Abū Ḥanīfah, and the followers of Mālik made *taqlīd* of Mālik. They did not pay attention to any *ḥadīth* that contradicted their sayings, nor did they seek to understand the Qur'ān and the Sunnah, except for those whom Allāh, the Exalted, protected and established on the path of the righteous predecessors in the three praised generations, following the Sunnah of the Messenger of Allāh and seeking understanding of the Qur'ān and abandoning *taqlīd*.

As for the greatest companions of Abū Ḥanīfah and Mālik, they did not make *taqlīd* of them. Indeed, the disagreements of Ibn Wahb, Ashhab, Ibn al-Majishūn, al-Mughīrah, and Ibn Abī Ḥāzim against Mālik are too well known to need elaboration. Ibn al-Qāsim also disagreed with him, and likewise, the disagreements of Abū Yūsuf, Zufar, Muḥammad, and al-Ḥasan ibn Ziyād against Abū Ḥanīfah are too well known to need elaboration, as are the disagreements of Abū Thawr and al-Muzanī against al-Shāfīʿī, may Allāh have mercy on him. Similarly, Asbagh and Sahnūn disagreed with Ibn al-Qāsim, and Ibn al-Mawzār disagreed with Asbagh, and likewise, Muḥammad ibn ʿAlī ibn Yūsuf al-Muzanī disagreed in many matters. Al-Ṭaḥāwī also opposed Abū Ḥanīfah and his companions.

If reasoning is correct, they have erred in *taqlīd*, and if *taqlīd* is correct, they have erred in reasoning. So abandoning *taqlīd* has established error upon them in any case, and error must be avoided.

We ask them, and we say to them, Do you agree with us that ' $\bar{1}$ sā ibn Maryam, the servant of Allāh and His Messenger $\stackrel{\text{def}}{=}$ will descend when the accursed Dajjāl appears and he will manage the affairs of the Muslims by their religion, not by another religion? Then tell us, will he go according to the ra' $\bar{\imath}$ of Abū Ḥanīfah, Abū Yūsuf, and Muḥammad ibn al-Ḥasan, or by following Mālik, Ibn al-Qāsim, and Sahnūn in judging among the Muslims and ruling in religion and giving $fatw\bar{a}s$ to those who seek guidance? Behold, this is the clear misguidance.

Indeed, Islām would be turned upside down, prophethood would be humiliated, the message would be belittled, and truth and its people would be disgraced, if 'Īsā Messenger of Allāh, see the spirit of Allāh, and the words of Allāh were to follow after such people, who can provide no certainty of salvation and are not guaranteed what they are upon before Allāh, the Exalted, then, by Allāh, he would not judge or rule or give *fatwā* except by what was brought by his brother in messenger ship and his companion in prophethood, the divider of revelation, Muḥammad ibn 'Abdullāh ...

Indeed, false $ra\ \bar{\imath}$ will be invalidated, and there is no fear from anyone. Who has gone astray from his path is one who adheres to something he is certain was not part of the first and will not be when ' $\bar{1}s\bar{a}$. And whomsoever All $\bar{a}h$ misguides, he has no guide.

Abū Muḥammad narrated, "Aḥmad ibn Muḥammad al-Ṭalamankī narrated to us: ibn Mufarrij narrated to us: Ibrāhīm ibn A ḥmad ibn Ibn Firās

narrated to us: Muḥammad ibn 'Alī ibn 'Alī ibn Zayd narrated to us: Saʿīd ibn Manṣūr narrated to us: Hishām narrated to me from Ibn Abī Laylā from Abū Qays from Ḥuzayl ibn Shuraḥbīl that a man died and left behind his daughter, his son's daughter, and his sister from both the father and the mother. They came to Abū Mūsā al-Ashʿarī and asked him about that. He said to the daughter, 'The half, and the remaining half goes to the sister.' They went to Ibn Masʿūd and mentioned that to him. He said, 'You have gone astray then and are not from the guided if you take the saying of Abū Mūsā al-Ashʿarī and leave the saying of the Messenger of Allāh.'"

This is Ibn Masʿūd, who calls the saying of a companion that contradicts the *naṣṣ* misguidance and deviation from guidance.

And we were narrated by Abū Muḥammad, "Aḥmad ibn 'Umar: Abū Dharr narrated to us: 'Abdullāh ibn Aḥmad narrated to us: Ibrāhīm ibn Khuzaym narrated to us: 'Abd ibn Ḥamīd narrated to us: Abū Nu aym from Sufyān al-Thawrī from Ḥabīb ibn Abī Thābit from Abū al-Bakhtarī, who said that Ḥudhayfah was asked about the saying of Allāh, the Exalted, 'They have taken their scholars and monks as lords besides Allāh, and [also] the Messiah, the son of Mary.' [At-Tawbah: 31] He said, 'They did not used to worship them, but when they permitted something for them, they (also)deemed it permissible, and when they prohibited something upon them, they (also) deemed it prohibited.'"

This is the description of the $muqallid\bar{n}$ of Abū Ḥanīfa, Mālik, and al-Shāfiʿī; they do not prohibit except what has come from their $im\bar{a}m$ as prohibited, and they do not permit except what has come to them from their $im\bar{a}m$ as permitted. We declare ourselves free to Allāh, the Exalted, from such belief and seek refuge in Him from anyone among the children of Ādam, except the Messenger of Allāh $\stackrel{\text{\tiny{des}}}{=}$.

Abū Muḥammad narrated, "'Abd al-Raḥmān ibn Salamah narrated to us: Aḥmad ibn Khalīl narrated to us, and Khālid ibn Sa'd informed me, that Aslam ibn 'Abd al-'Azīz, the judge, and Sa'īd ibn 'Uthmān al-'Anānī said: 'Yūnus ibn 'Abd al-A'lā narrated to us, Sufyān ibn 'Uyaynah from Ibn Abī Najīḥ from Mujāhid said, 'There is no one whose words are accepted or rejected except the Prophet.²⁹⁷

Abū Muḥammad narrated, "Yūsuf ibn 'Abd Allāh al-Namarī wrote to me: 'Abd al-Wārith ibn Sufyān narrated to me: Qāsim ibn Aṣbagh narrated

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 $^{^{297}}$ Ṣaḥīḥ al-Bukhārī 179 pg. 153 | Al-Madkhal by al-Bayhaqī 30

to me, and Ibn Wadhāḥ narrated to me, and Duḥaym narrated to me, and Ibn Wahb narrated to me, and Ibn Lahīʿah narrated to me from Bukayr ibn al-Ashaj that a man said to Qāsim ibn Muḥammad ibn Abī Bakr al-Ṣiddīq, 'I marvel at ʿĀʾishah; she used to pray four *rakʿahs* while traveling, and the Messenger of Allāh sused to pray two.' He said: 'O my nephew, adhere to the Sunnah of the Messenger of Allāh wherever you find it, for there are some people who are not criticized.'"

Abū Muḥammad narrated, "Yūsuf ibn 'Abd Allāh al-Namarī wrote to me: Sāʾid ibn Naṣr narrated to us, Qāsim ibn Aṣbagh narrated to us, Muḥammad ibn Ismāʿīl al-Tirmidhī narrated to us, al-Ḥamīdī narrated to us, Sufyān ibn 'Uyaynah from 'Amr ibn Dīnār from Sālim ibn 'Abd Allāh ibn 'Umar from his father said: 'Umar ibn al-Khaṭṭāb said, 'When you throw the jamrah with seven pebbles and you slaughter and you shave your head, then everything is permissible for you except perfume and women.' Sālim said, 'Āʾishah said, 'I perfumed the Messenger of Allāh # for his iḥrām before he performed tawāf around the House.'' Sālim said, So, the Sunnah of the Messenger of Allāh is more worthy to be followed."'298

We ask them to provide us with one individual from the three praiseworthy eras: the era of the Companions, the era of the $T\bar{a}bi$ $\bar{i}n$, and the era of the Followers of the $T\bar{a}bi$ $\bar{i}n$ who made $taql\bar{i}d$ of one scholar before them and accepted all of his sayings without opposing him in anything. If they find him, and they will not find such an individual ever, by All $\bar{a}h$, because there was never such a person among them. So if they do not find him, let them be certain that they have innovated a bid $\bar{a}h$ in the religion of All $\bar{a}h$ that no one preceded them in. There is not a single indication from the Prophet for the permissibility of $taql\bar{i}d$ nor from the companions

And let them know that a group from the people of the fourth era innovated this vile innovation in Islām, except for those whom Allāh, the Exalted, protected. And innovations are prohibited, and the worst of matters are the innovations.

Let them know that those who seek the Sunnah of the Messenger of Allāh wherever it is and who act upon it and seek knowledge in the Qur'ān, who do not make $taql\bar{t}d$ of anyone, are upon the methodology of the Companions and the $T\bar{a}bi$ ' $\bar{t}n$ and the praiseworthy eras, and they are the people of truth in every era.

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 $^{^{298}}$ Ṣaḥīḥ al-Bukhārī 178, pg. 152 | Ṣaḥīḥ ibn Khuzaymah 2938, 4/303



They are the most numerous before Allāh without a doubt, even if their number is small. And Allāh, the Exalted, grants success.

And let those who read our book know that this grave innovation, which we mean by $taql\bar{\imath}d$, only occurred among the people and began after one hundred and forty years after the hijrah, and more than one hundred and thirty years after the death of the Messenger of Allāh. There was never a single Muslim before the time we mentioned who practiced this innovation, nor can they find anyone who made $taql\bar{\imath}d$ of a specific scholar following his opinions in issuing $fatw\bar{a}s$ without contradicting any of them.

Then this innovation began from the time we mentioned in the fourth era in the condemned century, and it continued to increase until it became widespread after two hundred years after the hijrah, except for those whom Allāh, the Exalted, protected, and who adhered to the original matter that the Companions and $T\bar{a}bi$ $\bar{i}n$ and the Followers of the $T\bar{a}bi$ $\bar{i}n$ were upon without dispute from anyone among them. We ask Allāh, the Exalted, to make us steadfast upon it and not lead us astray from it and to forgive those who fell into this great sin from our Muslim brothers and to guide them back to the methodology of their righteous predecessors.

Abū Muḥammad narrated, "'Abdullāh ibn Rabi' al-Tamīmī narrated to us, "Muḥammad ibn Isḥāq ibn al-Salīm narrated to us, Ibn al-'Arabī narrated from Abū Dāwūd, Abū Bakr ibn Shaybah narrated to us, Waki' narrated from al-Awzā'ī from Yaḥyā ibn Abī Kathīr from Abū Qilābah who said: 'Abū Mas'ūd, the Badrī, said to Abū 'Abd Allāh, or he said: Abū 'Abd Allāh, who was Ḥudhayfah, said to Abū Mas'ūd al-Badrī, 'What did you hear the Messenger of Allāh say about making claims?' He said, 'I heard the Messenger of Allāh say, 'Wretched is the mount of the man (that claims).'"²⁹⁹

And the Messenger of Allāh stated clearly in the hadīth on the punishment of the grave that the hypocrite or the one who doubts says, "I do not know; I heard people say something, so I said it."

This imitation is the blamed $taql\bar{t}d$ in the $tawh\bar{t}d$ of Allāh, then how about what is less than that?

Ibn Mas'ūd said: "Do not be an *imma'ah* (*muqallid*)." When he asked what it was, he said, "The one who says: 'I am with the people.""

²⁹⁹ Sunan Abī Dāwūd 4972

³⁰⁰ Sahīh al-Bukhārī 1053, 1373, 7287

Abū Muḥammad narrated, "Muḥammad ibn Saʿīd ibn Nabāt narrated to us: "Aḥmad ibn 'Awn Allāh narrated to us, Qāsim ibn Aṣbagh narrated to us, Muḥammad ibn 'Abd al-Salām al-Khushanī narrated to us, Bishār ibn Bandār narrated to us, Ibn Abī 'Adī narrated to us that Shu'bah narrated from al-A'mash from 'Amārah ibn 'Umayr from Abū al-Ḥawṣ from 'Abd Allāh ibn Mas'ūd who said, 'Let none of you be an *imma'ah*, saying: 'I am just with the people.' Let one of you prepare himself that if the people disbelieve, he must not disbelieve.'"³⁰¹

And with the same *isnād* till Bandār, "Muḥammad ibn Jaʿfar narrated to us, Shuʿbah said: 'I heard Abū Isḥāq say: I heard Hubayrah and Abū al-Ḥawṣ from Ibn Masʿūd say, 'When people fall into evil, let him say: 'I have no example to follow in evil.'"³⁰²

And with the same *isnād* till Bandār, "Sā'id ibn 'Āmir narrated to us, Shu'bah from al-Ḥakam said, 'There is no one among the people except that you either accept from his saying or leave it except the Prophet."³⁰³

And with the same *isnād* till Bandār, "Abū Dāwūd narrated to us, Shu'bah from Manṣūr from Sa'īd ibn Jubayr who said with *wahm*, 'He repeats it.' I mentioned this to Ibrāhīm, and he said, 'What do you do with the *Ḥadīth* of Sa'īd ibn Jubayr compared to the words of the Messenger of Allāh?'"³⁰⁴

Abū Muḥammad narrated, "Narrated to us Muḥammad ibn Saʿīd from al-Qalʿī from al-Ṣawāf from Bishr ibn Mūsā from al-Ḥumaydī, who said that Sufyān said, 'The affairs of people remained balanced until Abū Ḥanīfa changed this in Kūfah, al-Battī in Baṣra, and Rabīʿah in Madīnah.'"³⁰⁵

Sufyān spoke the truth; these were the first to speak about ra i and reject $had\bar{\imath}ths$, and people hastened towards that and made it permissible. People are quick to accept falsehood, while truth is heavy.

We have previously mentioned a little earlier that when the Prophet recited, "They took their rabbis and monks as lords besides Allāh and the Messiah" [At-Tawbah: 31]. 'Adī ibn Ḥātim, who was a Christian before, said, "O Messenger of Allāh, we did not worship them." He replied with that

³⁰¹ Musnad by al-Bazzar 2071, 5/435

³⁰² Al-Mu'jam al-Kabir 8640, 8641, 9/137

³⁰³ Al-Jāmi 'by ibn 'Abd al-Barr 896, 2/181-182

³⁰⁴ Al-Muṣannaf by ibn Abī Shaybah 4430, 1/386

³⁰⁵ Tārīkh by Abū Zurʿah pg. 66



they used to prohibit what they prohibited and make permissible what they made permissible for them, and he # informed that this is worship.

And without doubt those who make *taqlīd* of Mālik prohibit the fats of cattle and sheep when a Jew slaughters them, and they prohibit the camel and the rabbit if a Jew slaughters them, making *taqlīd* of Mālik's error in this, and they reject Allāh's exact words about that, "And your food is lawful for them" [Al-Mā'idah: 5].

And the companions of Abū Ḥanīfa permitted the price of the dog that the Messenger of Allāh prohibited. Those who followed him prohibited muṣāqāh that Allāh made permissible, by taqlīd of Abū Ḥanīfa's error in this, and they reject the Prophets words and his saying about the price of the dog being suḥt and prohibited it, and this is the naṣṣ of what Allāh, the Exalted, and His Messenger prohibited from the actions of the Jews and Christians. The Prophet varned against that and said, "You will certainly follow the ways of those before you." It was said, "O Messenger of Allāh, the Jews and Christians?" He said, "Who else?"

Abū Muḥammad narrated, "Yahyā ibn 'Abd al-Raḥmān ibn Mas'ūd narrated to us: ibn Dhuḥaym ibn Ḥammād narrated to us: Ismā'īl ibn Isḥāq narrated to us: Ḥajjāj ibn al-Minhā narrated to us: Ḥammād ibn Salamah narrated to us: 'Aṭā' ibn al-Sā'ib from Abī al-Bukhturī that Salmān said to Zayd ibn Ṣūḥān and Abī Qurrah, 'How are you when the scholar makes a mistake and when a hypocrite debates with the Qur'ān, and the Qur'ān is truth, while the world is tempting and it is difficult to attain?' Then he said, 'As for the stumble of the scholar, if he is guided, do not let him carry your religion; and if he stumbles, do not cut off your aspirations from him. And as for the debate with the hypocrite with the Qur'ān, the Qur'ān is truth, then the Qur'ān has lights like the lights of the road. So follow what lights up for you, and what is ambiguous, then leave it to Allāh, the Exalted."

This is Salmān, prohibiting making $taql\bar{\iota}d$ of the scholars and ordering to follow the apparent of the Qur'ān, which is like the light of the road, and prohibiting ta ' $w\bar{\iota}l\bar{a}t$ and following the $mutash\bar{a}bih$ parts of it. This is the essence of our statement, and all praise is due to Allāh, the Lord of the worlds.

Abū Muḥammad narrated, "Yūsuf ibn 'Abd Allāh al-Namarī; he informed me 'Abd Allāh ibn Muḥammad ibn 'Abd al-Mu'min, he is ibn al-

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³⁰⁶ Sahīh al-Bukhārī 3456



Zayyāt; Narrated by Muḥammad ibn Aḥmad al-Qāḍī al-Mālikī al-Baṣrī; Na Mūsā ibn Isḥāq; Narrated by Ibrāhīm ibn al-Mundhir al-Khuzāmī; Narrated by Maʻn ibn ʻĪsā al-Qazzāz; he said: "I heard Mālik ibn Anas say, 'I am only a human; I make mistakes and get it right. So look at my ra ' $\bar{\imath}$; whatever agrees with the Book and the Sunnah, take it, and what does not agree with the Book and the Sunnah, leave it.""

This is Mālik, prohibiting making *taqlīd* of him as well as Abū Ḥanīfa and al-Shāfi ī. The truth is clear for whoever does not deceive himself and no misguidance reaches him; we seek refuge with Allāh from it.

The origin of this chronic disease, the root of this illness — the disease of making $taql\bar{\imath}d$ of men — comes from the Jews, those who earned His anger.

And the *muqallid* does not claim that he rules by what Allāh has revealed, but he acknowledges that he has ruled by the statement of a certain scholar, and he does not know whether that ruling he has made from their statements is based on their own ra \bar{i} or on matters that they supported with evidence.

He does not know whether they were correct in their evidence or mistaken, and whether they followed strong evidence or weak evidence.

O *muqallid*, tell us which judges do you belong to? Are you among those about whom the Messenger of Allah said in the narration which you authenticate, "Judges are three: one in Paradise and two in Hell. The one in Paradise is a man who knows the truth and judges accordingly. The second is a man who knows the truth but is unjust in his judgment, he is in Hell. The third is a man who judges the people with ignorance, and he is in Hell."

So I ask you by Allāh, do you judge by the truth while knowing it is the truth? If you say: 'Yes,' then you and all the people of knowledge witness that you are a liar, for you admit that you do not know what the truth is, and likewise all people judge you by this, with no distinction between a *mujtahid* and a *mugallid*.

If you say, 'Rather, I rule by what my *Imām* said,' then you do not know whether it is the truth or falsehood, as is the case with every *muqallid* on earth. Then you - by your acknowledgment - belong to one of two men: either you ruled by the truth and do not know it is the truth, or you ruled by that which is not the truth, because that ruling you made falls under one of

³⁰⁷ Sunan Abī Dawud 3573

two categories: Either it is the truth, or it is not the truth. And in either case, you are among the judges of Hell, according to the words of the truthful ...



Section: The Sayings Of The Companions In The Religion Are Not A Ḥujjah

The issue of whether the sayings or actions of the Companions are a *hujjah*, whether in 'aqīdah, fiqh, stories is more related to taqlīd. The falsehood of this method entirely is made evident, and all praise is for Allāh, in what has preceded about Taqlīd, and also the chapters about Ijmā', Istiḥsān, and narrations. But we will add further clarification regarding the falsehood of those who claim that the sayings of the Companions are *hujjah*.

So we say to them: Were the sayings of the Companions a hujjah during the time of the Prophet *, or did they attain the status of being a hujjah only after his passing *?

If they say, "It was a hujjah during the lifetime of the Prophet . Do you not see how 'Umar suggested the ruling of $Hij\bar{a}b$ and then the ruling of $Hij\bar{a}b$ became obligatory³⁰⁸. And the Prophet declared some of 'Umar's rulings correct as 'Umar said, 'I went in accordance with my Lord in Three matters...'³⁰⁹. And then the same happened with other companions such as the issue of $adh\bar{a}n^{310}$. And the Prophet described the companions with immense knowledge, such as that they are a 'Security for the ummah.'³¹¹ And the Prophet said about the ruling of Sa'd ibn Mu'ādh that he judged with the ruling of Allāh³¹². And also, the Prophet made du'ā' to give ibn 'Abbās knowledge and also he ordered us to follow Mu'ādh. And the Prophet would often also seek the advice of the companions. So by all of this it cannot be understood in a way other than that they are a hujjah. He did not even reprimand their mistakes such as their delaying the prayer till they arrived at Banī Qurayzah."

³⁰⁸ Sahīh Muslim 2170

³⁰⁹ Saḥīḥ al-Bukhārī 402

³¹⁰ Sunan al-Tirmidhī 189

³¹¹ Saḥīḥ Muslim 2531

³¹² Şaḥīḥ al-Bukhārī 4121

The answer: We have clarified the aspect of these issues in the chapters we mentioned before, which is that the Prophet sonly took the advice from the companions in matters that are not from the religion, in matters that are both permissible to do and to leave, in such matters it does not matter how it is done. The Prophet never took any of their advice regarding matters that are obligatory, prohibited and stories, whoever claims this has left Islām. Not a single one of the advices of the anyone is from the religion of Allah before the Prophet # makes it part of the religion, so it is established that none of their sayings are a hujjah without a saying or acknowledgment of the Prophet . This is something no Muslim says otherwise. Every single one of their sayings would remain falsehood till the day of judgment had the Prophet # not approved it. And we clarified before that their difference regarding prayer till arriving at Banī Qurayzah was something that did not reach the Prophet sexcept after they arrived there, so it is false to order repetition of a prayer outside its time. None of them sinned while there was only one correct among them, those who delayed it till they arrived. So their deception is resolved, and all praise is for Allāh.

Then we repeat the hundreds of situations in which the Prophet declared false the sayings of the Prophet $\stackrel{\text{dec}}{=}$, we have mentioned these many times in the chapters about narrations and $taql\bar{\iota}d$ with their $takhr\bar{\iota}j$, whoever wants to see them refer to those chapters. We Will here mention more of them by the will of Allāh.

The Prophet rejected of the Anṣārī who ordered his companions to throw themselves into the fire³¹³. He also rejected in the case of Abū al-Sanābil, the hadīth of al-ʿAsīf, and the incident of the three men who inquired about the Prophet's acts of worship. He corrected ʿAlī ibn Abī Ṭālib regarding his ritual purification from madhī. The Prophet also referred to the Companions may Allāh be pleased with them who fasted during the conquest of Makkah as 'sinners.' And also, he rejected Bilāl for engaging in ribā³¹⁵. And he condemned Khālid ibn al-Walīd for killing members of Banū Khuzaymah after their acceptance of Islam. He also rebuked 'Ammār ibn Yāsir for rolling in the dust (tayammum), and he rejected Usāmah ibn Zayd for killing a man who had declared 'Lā ilāha illa Allāh.' Moreover, he

³¹³ Şaḥīḥ al-Bukhārī 4340

³¹⁴ Ṣaḥīḥ Muslim 1114

³¹⁵ Sahih Muslim 1594

reprimanded Usāmah for interceding on behalf of the Makhzūmī woman. The Prophet also objected to the Companions' ta wīl of the seventy thousand who will enter Paradise without reckoning. He also rejected those who cursed the Companion Ḥimār³¹⁶. He reproached Abū Isrā'īl for vowing to remain without shade. He corrected 'Umar ibn Abī Salamah regarding his statement on whether a fasting person may kiss his spouse.

And also, the Prophet disapproved when the Companions said 'Peace be upon Allah,' and he objected to the sale of Barīrah when the condition of walā' was stipulated. He rebuked those who described Mālik ibn al-Dukhayshin as a munāfiq³¹⁷, and he criticized Muʿādh for lengthening the prayer and for accusing another person of hypocrisy. And also, he objected to Saʿd ibn ʿUbādah's statement, 'Today, the Kaʿbah will be made halāl (for fighting).'³¹⁸ He also reprimanded ʿĀʾishah for speaking ill of Ṣafiyyah and for her reaction when he instructed, 'Tell Abū Bakr to lead the people in prayer,' and she suggested that he appoint 'Umar instead³¹⁹. And also, he rejected someone who insulted another by mentioning his mother³²⁰. He rebuked the Companions who claimed that 'Āmir ibn al-Akwa's deeds were nullified. And also, he became angry with most of the Companions during the Treaty of Ḥudaybiyyah. We have mentioned more of such in the previous chapters.

And if they say, "The sayings of the companions are a *ḥujjah* after the death of the Prophet *."

Then this is a mere claim for which there will never exist a *burhān*.

We have also clarified the chapter about narrations all manners in which it is possible for the companions, may Allāh be pleased with them to be mistaken while not being sinful.

We have also clarified before that the praise of the Prophet # does not imply any $taql\bar{\iota}d$ of them, this is something that cannot be understood from those narrations ever. We will now also clarify further the narrations in which the Prophet # praised the companions.

The Prophet said, "The stars are a source of security (safety) for the sky, so when the stars disappear (verse: 'And when the stars are scattered.'

³¹⁶ Sahīh al-Bukhārī 6780

³¹⁷ Saḥīḥ al-Bukhārī 425

³¹⁸ Sahīh al-Bukhārī 4280

³¹⁹ Şaḥīḥ al-Bukhārī 7303

³²⁰ Sahīh al-Bukhārī 30



[Al-Infiṭār: 2]) what has been promised to the sky will come to pass (verse: 'The Day when We will fold the sky like the folding of a scroll.' [Al-Anbiyā': 104]). And I am a source of security for my companions, so when I am gone, what has been promised to my companions will come to pass. And my companions are a source of security for my nation, so when my companions are gone, what has been promised to my nation will come to pass."³²¹

This is authentic and implies nothing other than their great virtue, and this is *mujmal*, we without doubt that they would err and be correct as we have mentioned many times, so everything becomes invalid except to affirm by this their piety and their narrations from the Prophet ##, that is without doubt the greatest source of security for the *ummah*.

As for the words attributed to the Prophet *, "Upon you is my Sunnah and the Sunnah of the rightly guided caliphs. Hold onto it with your molar teeth." this is weak.

This is narrated by many *turuq* up to 'Abd al-Raḥmān ibn 'Amr al-Sulamī —» al-'Irbāḍ ibn Sāriyah —» The Messenger of Allah **322.

'Abd al-Raḥmān ibn 'Amr al-Sulamī is *majhūl ul-ḥāl* there is nothing known about him.

In the same manner in which 'Abd al-Raḥmān ibn 'Amr al-Sulamī narrates this with Ḥujr ibn Ḥujr 323 .

And he is also $majh\bar{u}l$.

In the same manner it is narrated but by Muʻāwiyah ibn Ṣāliḥ and he is weak for his weak memory 324 .

There is a second *Ṭarīq* narrated by al-Ṭabarānī and ibn Abī ʿĀṣim, all up to: Abū al-Yamān al-Ḥakam ibn Nāfiʿ —» Ismāʿīl ibn ʿAyyāsh —» Arṭāh ibn al-Mundhir —» al-Muhāṣir ibn Ḥabīb —» al-ʿIrbāḍ ibn Sāriyah

—» the Prophet $\stackrel{\text{\tiny 325}}{=}$.

This is weak as al-Muhāṣir ibn Ḥabīb is weak, there is no *tawthīq* of him and Ismāʿīl ibn ʿAyyāsh is weak.

³²¹ Ṣaḥīḥ Muslim 2531, 7/183

 $^{^{322}}$ Musnad Aḥmad 17142, 17275, 17272, 17274 | Sunan Abī Dāwūd 4607 | Sunan ibn Mājah 43

³²³ Musnad Ahmad 17145

³²⁴ Bayān al-Wahm Wal-Īhām 4/112

 $^{^{325}}$ Al-Sunnah by ibn Abī ʿĀṣim 28, 29, 59 | Al-Muʿjam al-Kabīr 18/623



There is another $Tar\bar{i}q$ narrated al-Tabarānī and ibn Abī ʿĀṣim and al-Hākim³26.

All up to Yaḥyā ibn Abī Muṭāʿ —» al-ʿIrbāḍ ibn Sāriyah —» the Prophet ≝.

This is weak because Yaḥyā ibn Abī Muṭāʿ is majhūl.

So this narration is beyond any doubt weak, it is not allowed for anyone to attribute this to the Prophet \cong after knowledge of this. We also clarified before the wordings of this narration do not even imply obedience to them in other than their *khilāfah* and narrations from the Prophet \cong .

As for the narration, "Follow the two who come after me, Abū Bakr and 'Umar." We clarified the weakness of this narration before, and its wordings do not imply any taqlid as clarified.

As for the narration in which the Prophet gathered and wrapped al-Ḥasan, al-Ḥusayn Fāṭimah then recited "Indeed, Allah only wills..." [Al-Tawbah: 55] and then said: "O Allah, these are my family. Truly, they are people of truth."

This is authentic³²⁷. This also does not imply any $taql\bar{t}d$, whatever we mentioned before applies to this as well.

And likewise the narration in which the Prophet supplicated to Allāh to give him understanding of the religion³²⁸.

This also does not imply any *taqlīd*, from all companions we have mentioned hundreds of mistakes in their sayings, *fatāwa*, stories, even well-known issues.

Even specifically about the $tafs\bar{t}r$ of ibn 'Abbās may Allāh be pleased with him, there are mistakes.

It has been narrated to us through the *tarīq* of Ismāʿīl —» ʿAlī ibn ʿAbd Allāh —» Sufyān and Jarīr. Sufyān said that ʿAmr ibn Dīnār said: "ʿAṭāʾ informed me that he heard Ibn ʿAbbās reciting: "And upon those who are burdened with it is a ransom: feeding a poor person" [2:184]. Then Ibn ʿAbbās said, "This refers to the elderly man who has become weak and the elderly woman who has become weak—they are unable to fast, so they break their fast and feed a poor person for each day."³²⁹

 $^{^{326}}$ Sunan Ibn Majah 420 | Al-Sunnah by ibn Abī ʿĀṣim 26, 55 | Al-Muʿjam al-Kabīr 18/622

³²⁷ Sharh Mushkil Al-Āthār 773, 2/245

³²⁸ Şaḥīḥ al-Bukhārī 143

³²⁹ Sahīh al-Bukhārī 4235, 4/1638



Jarīr narrated from Manṣūr, from Mujāhid, from Ibn 'Abbās with the same narration.

This is narrated in an authentic manner from Ibn 'Abbās, and his saying, may Allāh be pleased with him is false beyond doubt because those wordings with their rulings in that verse are abrogated as we clarified before, and in this manner there are dozens in the *tafsīr* of ibn 'Abbās and also issues beyond his *tafsīr*.

So, it is established that virtue never implies obedience to the rulings they create or their sayings, and we have clarified as well before that their saying, "As long as their saying does not oppose the apparent of the Qurʿān and Sunnah," is false as every single thing that is not in the Qurʿān and Sunnah no matter how close it is to it is falsehood.

There is no obedience to anything other than Allāh and His Messenger alone. It is not permissible for a Muslim to understand these narrations in any manner other than what we have clarified.

So, it is established—through all that we have mentioned in the previous chapters and here—that their *fatāwa*, sayings about anything related to the religion, and actions are not a *hujjah*. The only *hujjah* is what they narrate about the Prophet . The religion is nothing other than the rulings of Allāh and His Messenger , and all praise is for Allāh.



Section: Asking The Transmitters About the Sayings Of The Scholars

If someone asks, "Then what should a scholar do if he is asked about an issue that he cannot resolve, or if a situation arises that he cannot resolve?"

He is to be told, with the help of Allāh Almighty: A person is only obliged to ask the transmitters about the statements of scholars regarding that new occurring issue. Then, he must compare those statements with the Book of Allāh Almighty and the words of the Prophet , as Allāh ordered when He said, "So ask *ahl al-dhikr* if you do not know." [An-Naḥl: 43].

And when He said, "And whatever you disagree about, its ruling is to Allāh" [Ash-Shūrā: 10].

And His saying, "And if you disagree over anything, refer it to Allāh and the Messenger, if you believe in Allāh and the Last Day" [An-Nisā': 59].

Allāh did not say: 'Refer it to Mālik, Abū Ḥanīfa, or al-Shāfiʿī.' Whoever believes in Allāh and the Last Day, let him refer the disagreements back to the Qurʾān and the Sunnah transmitted from the Prophet and fear Allāh, not referring these matters to any man of the Muslims whom we are not ordered to refer to. Whoever refuses they will come to know.

And Allāh Almighty said, "So that you may explain to people what was revealed to them." [An-Naḥl: 44].

So Allāh did not make clarification except for the Prophet . Whoever refers to anyone else has lost clarity and fallen into misguidance, and we seek refuge in Allāh from that.

So $taql\bar{\iota}d$ is entirely prohibited in all of the rulings, from the first to the last, regarding $tawh\bar{\iota}d$, prophethood, predestination (qadar), faith $(\bar{\iota}m\bar{a}n)$, warnings of punishment $(wa'\bar{\iota}d)$, leadership $(im\bar{a}mah)$, virtue, and all acts of worship, rulings and also in $had\bar{\iota}th$.

If someone asks, "What about the verse, 'So ask the people of knowledge if you do not know?" [An-Naḥl: 44].

He is to be told, with Allāh's help: Allāh ordered us to ask the people of knowledge about what Allāh Almighty has decreed concerning the issue and what has been narrated from the Messenger of Allāh $\stackrel{\text{\tiny{de}}}{=}$ regarding it. He did not order us to ask them for a new ruling that they would create for us based on their ra $\stackrel{\text{\tiny{de}}}{=}$.

The Prophet declarified this when he said, "Let those present convey to those who are absent." As we have mentioned before.

And Allāh made it clear when He said, "This day I completed for you your religion." [Al-Mā'idah: 3].

So the religion has been completed. No one has the right to add to it, diminish it, or alter it, and whoever allows that has apostated.

Allāh Almighty ordered those who understand the religion to seek out the rulings of the religion, and He did not order them to make new statements from themselves.

Allāh instead prohibited that by criticizing those who legislated for themselves matters in the religion that Allāh did not permit. He also said, "If it had been from [any] other than Allāh, they would have found within it much contradiction." [An-Nisā': 82].

So we are only callers to understanding the Qur'ān and the words of the Prophet, conveying to those who preceded us in seeking knowledge what has reached us from those before us, teaching it, and seeking refuge in Allāh from adding to, altering, or omitting anything from it.

If someone asks, "What should a layperson ($\bar{a}mm\bar{t}$) do if an issue arises that they cannot resolve?"

The answer, with Allāh's help, is that we have already clarified that Allāh Almighty has prohibited $taql\bar{\iota}d$ in general, without excluding the layperson from the scholar, nor the scholar from the layperson. The order of Allāh is directed to everyone. $Taql\bar{\iota}d$ is prohibited for the slave brought from his land, for the layperson, the secluded virgin, and the shepherd in the mountain peaks, just as it is prohibited for the deeply learned scholar without difference And $ijtih\bar{\iota}dd$ in seeking the ruling of Allāh Almighty and His Messenger concerning every matter specific to one's situation is obligatory for everyone we have mentioned, just as it is obligatory for the deeply learned scholar, without difference. So whoever makes $taql\bar{\iota}dd$ among all we mentioned has disobeyed Allāh Almighty and sinned. However, they differ in the manner of $ijtih\bar{\iota}dd$; each person is obligated to the extent of what they

are capable of, as Allāh Almighty said, "Allāh does not burden a soul beyond that it can bear" [Al-Baqarah: 286]. And for His saying, exalted be He, "So fear (have $taqw\bar{a}$) Allāh as much as you are able" [At-Taghābun: 16]. All of piety ($taqw\bar{a}$) is acting in religion upon what Allāh Almighty has obligated, and He has not burdened us beyond what we are capable of. What we are unable to do is lifted from us. This is a clear naṣṣ that no one is obliged to search knowledge of what is revealed in religion beyond what they are able. Everyone is responsible for their portion of $ijtih\bar{a}d$ according to their ability. The $ijtih\bar{a}d$ of the layperson (' $\bar{a}mm\bar{t}$) is to ask a scholar about matters of his religion, and when the scholar gives him a ruling, he should say, "Is this what Allāh and His Messenger have commanded?" If the scholar says "yes," he accepts his word, and nothing more is required of him in searching.

But if the scholar says "no," or says, "This is my opinion," or "This is the opinion of Mālik or Ibn al-Qāsim or Abū Ḥanīfah or Abū Yūsuf or al-Shāfi'ī or Aḥmad or Dāwūd," or a companion or mentions to him anyone besides the Prophet ", or hesitates or remains silent, then it is prohibited for the questioner to take his ruling. It becomes obligatory for him to ask another scholar, seeking him out wherever he may be.

A Muslim only asks a scholar about an issue that has arisen so that he may be informed of the ruling of Allāh Almighty and the ruling of Muḥammad in that matter, and what is obliged in Islām concerning it. If he knew that the scholar would rule otherwise, he would disavow him and flee from him.

And it is obligatory for the *faqīh*, if he knows that what he has ruled is found explicitly in the Qur'ān, the Sunnah of the Messenger of Allāh , or *ijmā*, to say, "Yes, this is the order of Allāh Almighty and His Messenger." It is prohibited for him to attribute to Allāh Almighty or His Messenger something that he derived through *qiyās*, *istiḥsān*, or *taqlīd* of anyone other than the Prophet. If he does so, he is lying against the Messenger, attributing to him what he did not say, and he will certainly enter the fire, as stated explicitly by the Prophet. Whoever lies about me, let him take his abode in the fire."

In the exact same manner about *ḥadīth*: The questioner only asks about what Allāh has obliged him in the religion he has entered into, without any doubt.



And since that is the case, Allāh has made it obligatory upon him to ask the *muftī*, 'Is this something Allāh or His Messenger has commanded?' If the *muftī* says, 'Yes,' then it is obligatory for him to accept it. If the *muftī* says 'No,' or remains silent, or rebukes him, or mentions the opinion of anyone other than the Prophet then it is rejected.

And if his understanding increases, his *ijtihād* must increase. And it is then obligatory upon him to ask, 'Is this authentic from the Prophet so or not?'

And if his understanding increases, he must ask about the *musnad*, *mursal*, the reliable and unreliable narrators. And if his understanding increases further, he must ask about the various sayings and the evidence for each saying. This leads to gradual progression through the ranks of knowledge. And what we have mentioned it is something no one is incapable of, even if they have reached the utmost limit of ignorance, for no one can be considered a Muslim unless they know that Allāh Almighty is their Lord and that the Prophet —Muḥammad ibn 'Abd Allāh—is the Messenger of Allāh with the upright religion.

If someone says, "What if the $faq\bar{\imath}h$ gives a $fatw\bar{a}$ while it is $mans\bar{\imath}kh$ or $makh\bar{\imath}\bar{\imath}sah$ or he errs in it, and he attributes it to the Prophet even though it is not from his words—whether through forgetfulness or deliberate action—what is required of the layperson in this case?"

We have narrated from the *tarīq* of 'Abdullāh ibn Aḥmad ibn Ḥanbal. He said, "I said to my father (may Allāh have mercy on him): a man is faced with an issue, and he finds only a group of the people of *ḥadīth*, who have no knowledge of *fiqh*, and another group from the people of *ra'ī*. Whom should he ask?" He replied, "He asks the people of *ḥadīth*, not the people of opinion. A weak *ḥadīth* is better than opinion."

The answer, with Allāh's help and guidance, is that this matter is divided into sixteen categories.

First and second: A person can receive a narration of that is abrogated or an abrogated verse, without knowing that it has been abrogated. In this, the layperson and the scholar are equal, and it is obligatory upon both, without doubt, to act according to the abrogated ruling. They are not ordered to leave it unless the abrogation reaches them. Allāh, the Exalted, said, "That I may warn you thereby and whomever it reaches" [Al-Anʿām: 19]. So Allāh

³³⁰ Tārīkh Baghdād 3/448

informed us that the warning only applies to those whom the matter reaches. So, as long as the abrogation has not reached the person, it is not binding upon him. And since it is not binding, he is not ordered by it. Allāh says, "Allāh does not burden a soul beyond its capacity" [Al-Baqarah: 286]. It is not in the ability of anyone to know something they do not know at the time they are ignorant of it, nor can they know the ruling before it reaches them. The initial order is binding upon them with certainty, and it is not lifted unless the abrogation reaches them by the explicit text of the Qur'an. This was the case with the Companions who were in Abyssinia when the prayer was ordained in Makkah toward Bayt al-Maqdis (Jerusalem), and they knew this, so they prayed in that direction without doubt. Then the *qiblah* (direction of prayer) was changed to the Ka'bah in Madīnah after sixteen months following the hijrah. There is no disagreement from anyone that the obligation to change the qiblah to the Ka'bah did not apply to them, nor was the obligation of prayer lifted from them. It was not allowed for them to pray in any direction other than the order established with them were upon until the abrogation reaches them. And Allah, exalted be He, called the prayer of those who died before the abrogation reached them as *īmān*. He said: "And never would Allāh have caused your *īmān* to be lost. Indeed, Allāh is, to the people, Kind and Merciful." [Al-Baqarah: 143]. In this manner is the case for the people of Quba', who prayed half of their prayer facing Bayt al-Maqdis. There is no doubt that they did not begin their prayer facing Bayt al-Magdis, except that the qiblah had been abrogated. But since they did not know this, the abrogation was not binding upon them until it reached them. And what they were upon does not become omitted except after the *naskh* reaches them. The same principle applies to all matters that have been abrogated but not yet known to some people. As for when the *hujjah* is established against a person but he stubbornly persists in *taglīd* then he is a sinner. This is the clearest clarification about what we have mentioned, and praise be to Allah, the Lord of all worlds. As for one whom a narration reaches of something abrogated or an abrogated verse but does not know it has been abrogated, and he proceeds to abandon it without knowing the abrogating nass, then he is disobedient to Allāh Almighty because he abandoned the obligation upon him, as we have mentioned. With Allah's help and guidance, these are the two types regarding abrogated texts whom the abrogation has not reached.

Third and fourth: Then there are also two other sides to the opposite of the issue and they are: There are cases where a non-abrogated naṣṣ, whether from a verse or a statement of the Prophet, is mistakenly assumed by a scholar to have been abrogated. The scholar abandons acting on it and gives a ruling to a layperson based on this, telling him that the hadīth or verse has been abrogated. As a result, the layperson also abandons it, or they both act upon it still with the assumption that it is abrogated. This is different from the previous case because here they are abandoning what Allāh has obliged them. However, if the one who abandons it does so with ijihād believing that what he has done is correct and has not what is otherwise is not clear to him, then he is mistaken but still rewarded with one reward, so they do not sin in that case. But if someone abandons it by taqlīd without striving, then he is disobedient to Allāh, sinful, and has no share in the reward at all, because he has abandoned the truth for falsehood without ijtihād. These are four possibilities.

Fifth and sixth: Then there are two cases. One involves someone whom an authentic *ḥadīth* reaches, but it is not authentic to him, so he either acts upon it or leaves it. If someone acts upon an authentic *ḥadīth* but believes it to be false, then he is deliberately doing what he sees as false, so he is disobedient to Allāh due to his intention. But if he abandons when it is not authentic according to him, and no *ḥujjah* is established on him to confirm its authenticity, then he is a *muḥsin*, rewarded, and there is nothing upon him, because what is obligatory on him to follow has not reached him yet.

Seventh and eighth: But, if the narration is authentic to him, but he still abandons it, he falls into one of two categories: either he is deliberately permitting (acts) opposing the truth from Allāh, he is a sinner for this intention. And there is no sin upon him for the act itself, as long as it aligns with the truth, or, the second case, he permits going against the Prophet, and in that case, he is a *kāfir* and *mushrik*, as Allāh said, "But no, by your Lord, they will not [truly] believe until they make you, [O Muḥammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission" [An-Nisā': 65].

Ninth and tenth: Then there are two more cases that are the opposite of the ones mentioned earlier. One involves a person whom a weak *ḥadīth* reaches but assumes it to be authentic and acts on it. Such a person is

rewarded for his intention and ijtihād, with one reward, and is not sinful for having gone against the truth, as his actions were not on purpose and actions are with intentions. But if he deliberately abandoned it taking the duty to follow what Allah or His Messenger # has conveyed lightly (neglect), and for that, he would be disobedient due to his intention alone. If he abandons it, not due to taking it lightly (neglect) but his actions go in accordance with abandoning it, then there is no sin against him because he did not abandon a truth. And this is like when a faqīh gives an incorrect fatwā, it does not obligate acceptance for the person receiving the ruling from him, nor is he ordered to act on it. If the person were sinful for leaving it, that would mean he was ordered to act upon falsehood, which is a certain mistake. However, if he abandoned it with the intention of neglecting what was obligatory upon him, then he is disobedient for his intention alone, not for abandoning something non-obligatory. And if someone gives a correct ruling but does not provide the evidence for it, and the layperson follows it by taqlīd the layperson is sinful for the *taglīd*, but he is still rewarded for the actions itself, if Allah wills.

Eleventh and twelfth: Then, there are two cases. One involves someone whom a $khus\bar{u}s$ nass reaches but acts upon its ' $um\bar{u}m$ meaning without the $khus\bar{u}s$ having reached him and he assumes it is ' $um\bar{u}m$, then he is rewarded twice because his obligation is to act upon what reaches him till something opposing that reaches him as obedience to Allāh is obligatory, if he makes ta ' $w\bar{\imath}l$ of it being $makhs\bar{\imath}u\bar{s}$ Without evidence then he is a sinner by this intention only, not a sinner by what he does because he did not make a mistake in that. If he does by agreement without intending to oppose what reached him from the apparent texts about Allāh and his Messenger then he does not sin. And $qiy\bar{a}s$, a saying other than the Prophet $\frac{a}{2}$, ra $\hat{\imath}$ are all mistakes and never the truth.

Thirteenth and fourteenth: There are two aspects: first, a $h\bar{a}kim$ before whom two men testify, and they are trustworthy according to him. They might testify falsely, either deliberately or by mistake. In such a case, the $h\bar{a}kim$ is obligated to rule based on their testimony, as the text orders the acceptance of the testimony of trustworthy individuals. We are not tasked with knowing what is hidden from us. The Messenger of Allāh said, "If I rule in favor of someone regarding something that belongs to his brother, he must not take it, for I am giving him a piece of the Fire." This indicates that

the Prophet $\stackrel{\text{de}}{=}$ judged based on the apparent testimony or oath, even though the reality may be different, and he $\stackrel{\text{de}}{=}$ only judges by the truth, whom it is not allowed to oppose. So it is obligatory for the $h\bar{a}kim$ to rule according to the testimony of those that are trustworthy, even if they are in the $b\bar{a}tin$ lying or mistaken, and he will be rewarded twice for this and bears no sin for what is hidden from him. If he does not rule based on that testimony, he is disobedient to All $\bar{a}h$, sinful in both his intention and action, and the sin is upon him for not ruling by it (and know that this is only the case if the $h\bar{a}kim$ has no additional certain knowledge and the only source in the situation are testimonies, otherwise he must use his knowledge).

Fifteenth and sixteenth: if two trustworthy individuals testify truthfully before a $h\bar{a}kim$, but he does not recognize them, he is not obligated to rule based on their testimony, and it is not permissible for him to issue a judgment based on it because they are unknown to him, and he bears no sin for what is hidden from him in this matter.

And if he still does issue a judgment based on it, he is sinful with the intention and disobedient in the action. And the sin is upon him in the same judgment even if it goes in accordance with the truth.

The foundation of this discussion in its entirety is that sin is removed from a person in matters that have not reached him, they are not burdened by what they are unable to, while sin becomes incumbent upon him in matters that have reached him and which he deliberately opposes, whether by choice or by $taql\bar{t}d$. Nothing is obligatory upon a person except what has been established by nass or $ijm\bar{a}$, not the $fatw\bar{a}$ of a $muft\bar{t}$ in matters for which there is neither nass nor $ijm\bar{a}$, even if the $muft\bar{t}$ claims it to be based on nass or $ijm\bar{a}$.

A person is rewarded for his intention and will be recompensed accordingly: if his intention is good, then it is good; and if it is bad, then it is bad. A person does not incur sin by performing what he has been commanded to do, even if he does not know he was commanded to do it, nor does he incur sin by refraining from what he was not commanded to do, even if he assumes he was commanded to do it, because intention is distinct from action.

However, if a *naṣṣ* reaches him and he deliberately opposes it, the sin remains, whether the matter was $mans\bar{u}kh$ (abrogated) or $makhṣ\bar{u}ṣ$ (restricted), as long as the abrogating ($n\bar{a}sikh$) or specifying (mukhaṣṣiṣ) text has also reached him.

And from this chapter is if a man meets a woman and seduces her, and she agrees, so he has intercourse with her, thinking she is an ajnabiyyah, only to find out she is his wife, whom he had not yet recognized or consummated the marriage with. Or if he meets a man and kills him, thinking he is a Muslim whose blood is sacred, only to discover that he is the murderer of his father or a combatant disbeliever. Or if he forcibly takes wealth from a Muslim, only to realize it is his own wealth.

In all these cases, if the person takes sin lightly (is a *mustashil*), whether in fornication, usurping wealth, or killing, he is sinful due to his intention and fāsiq and disobedient to Allāh. However, he bears no sin for the actual intercourse, taking of his own wealth, or killing the combatant disbeliever or his father's murderer, because he did not do in any of that except what was permissible for him.

Some might assume that a person who treats sin lightly, even if they do not commit it, will not have the sin recorded against them due to the saying of the Prophet # , "Whoever Intends to commit do a bad deed but does not do it, it is not written against him. And whoever intends to do a good deed, but does not do it, a reward is written for him."331

This narration clarifies that what is not recorded is the sin associated with the bad deed that was not acted upon. There is no doubt about this. However, the Prophet did not say that the sin of merely intending to commit a sin is never recorded. The intention of a deed is distinct from carrying it out.

As the poet Dābi' ibn al-Hārith al-Burjumī said, "I intended, but I did not act, and I almost did, but I wish I had left 'Uthman's widows to weep for him.",332

Upon further reflection on the texts, we find that the ruling concerning mere intent is annulled, as it falls under the category of lamam (minor sins), which are entirely forgiven.

If someone says, "It has been confirmed from the Prophet ## that he said, 'If a person intends to commit a sin but does not act upon it, it is recorded as a good deed.""

We say: That is authentic, and the Prophet informed us that actions are judged by intentions, and each person will have what they intended.

³³¹ Şaḥīḥ Muslim 130

³³² Tārīkh by Ibn Shabbah 3/1024-1027

So if someone intends to commit a sin but refrains from it for the sake of Allāh, it is recorded as a good deed because of that noble intention. However, if they abstain due to forgetfulness, being overpowered, or merely changing their mind, no good deed is recorded for them, as they neither acted upon the sin nor intended to please Allāh by avoiding it. A person is not considered persistent in their intention to sin unless they have committed the act previously. Allāh says, "And they do not persist in what they have done while they know [it is wrong]" [Āl 'Imrān: 135]. So the harm lies only with those who act upon sinful intentions persistently, knowing the act is prohibited. As for someone who merely intends to sin but never acts upon it, they are deemed only to have intended it and are not considered persistent, as clarified by the aforementioned texts.

If someone says, "What do you say about a disbeliever combatant who meets a Muslim, and the Muslim invites him to Islām, and he accepts Islām, and then the Muslim teaches him the rulings of Islām and says, 'These are the rulings of Islām,' is he obligated to act upon what he was taught?"

We say and Allāh is the source of strength: The answer on this is exactly what preceded, which is that whatever was ordered by him and it is in accordance with the *naṣṣ* or *ijmā*, it is obligatory for him to accept it, and he will be rewarded for doing so. If he acts upon it, he will receive two rewards, and if he disobeys, he is sinful for not doing it. And whatever of that is contrary to the text, he is not obligated to act upon it, nor does he sin by abandoning its practice unless he treats opposing what was conveyed to him lightly (*istishāl*) from the text, in which case he is sinful for this intention only. If he acted upon it, he is rewarded with one reward solely for his intention to do good, but he is not rewarded for that act itself, nor is there sin in it because it is not the truth for which he would be rewarded, nor did he intend to do something wrong knowingly, so he is not sinful for it.

This is the ruling concerning the layman ($\hat{a}mm\bar{i}$) in everything that a jurist ($faq\bar{i}h$) issues a $fatw\bar{a}$ in. This is also the ruling for the scholar ($\hat{a}lim$) in what he believes and issues a $fatw\bar{a}$ on through $ijtih\bar{a}d$ without being certain that he is right in the sight of Allāh.

So, there are four levels:

A person who acts upon the truth, knowing it to be the truth, receives two rewards – a reward for the intention and a reward for the action.

Another who acts upon falsehood and he knows it is falsehood, has two sins – a sin for the intention and a sin for the action. Allāh said, "Are you recompensed except for what you used to do?" [An-Naml: 90]. So, the intention is an action of the *nafs* alone, while the action of the limbs is driven by the soul, and they are two distinct actions.

A third one acts upon the truth, thinking it is false, or leaves off falsehood, thinking that the falsehood he left is the truth. There is no sin upon him for what he did nor for what he left because he neither acted upon what is prohibited for him nor left what is obligatory upon him. He also does not receive a reward for any of that because he did not intend by his action the pleasure of Allāh. If he intended in that *istishāl* (taking lightly) for opposing the truth, then he is sinful for that intention only, not for what he did or left.

A fourth one acts upon falsehood, believing it to be the truth, or leaves the truth, thinking it to be falsehood. This person is rewarded for his good intention with one reward, and there is no sin upon him for what he did or left, nor is there a reward for it either, because he did not act correctly to be rewarded, nor did he intend falsehood knowingly, so he is not sinful for it.

This is the true clarification of this issue, and certainty in it, and the truth with Allāh, without doubt. Everything else is confusion and a claim without evidence.

If a layman asks two or more $faq\bar{\imath}hs$, and they differ in their responses, then they differ on what is to be done.

Some said, "He must take the easiest option."

Others said, "He must take the most difficult one."

Others said, "He is not obligated by either."

Others said, "He is free to choose whichever he wants."

As for the one who says he is free to choose, he has ordered him to follow his whims, and that is *ḥarām*, it is without doubt a mistake. He has made the religion subject to people's choices, to act as they please, and has permitted differing in it, while Allāh, the Exalted, says, "Had it been from other than Allāh, they would have found within it many differences" [4:82].

And He, the Exalted, says, "Do not dispute lest you lose courage and your strength departs." [Al-Anfāl: 46].

And He, the Exalted, says, "And who is more astray than one who follows his desire without guidance from Allāh?" [Al-Qaṣaṣ: 50].



So, differences are not from what Allāh, the Exalted, has permitted or ordered. We know that Allāh's ruling in the religion is one and that everything else is error and falsehood.

So, this one who allows him to take either the truth or abandon it and permits him to oppose Allāh's ruling, it is falsehood, without a doubt, and this claim falls by certain decisive evidence.

As for the one who says, "He must take the most difficult option," there is no evidence for the correctness of his statement either, nor is the statement of the one who says, "He must take the easier option." Every statement without evidence is a baseless claim.

If one uses as evidence the words of Allāh, the Exalted, "Allāh intends for you ease and does not intend for you hardship" [Al-Baqarah: 185].

Then we know that everything Allāh has obligated is ease. And His words, the Exalted, "He has not made for you in the religion any difficulty" [Al-Ḥajj: 78].

What we say, with Allāh's help, is that if two or more $faq\bar{\imath}hs$ give him differing rulings, attributing them to the Messenger of Allāh , he is not sinful for refraining from accepting any of them. This is because he is only obligated by what the naṣṣ obligates in that matter, and he does not yet know it. He is not sinful for neglecting an obligation he is unaware of. Instead, he must leave them, consult others, and seek the truth.

An example of this is a man who asks how he should perform $\not Hajj$. One jurist says to him, "Perform $ifr\bar{a}d$ (single $\not hajj$), for this is what the Messenger of All $\bar{a}h$ $\not \equiv$ did in his $\not Hajj$, which was his only one after the Hijrah."

Others tell him, "Perform $qir\bar{a}n$ (combined hajj and 'umrah), for this is what the Messenger of Allāh # did in his Hajj, which was his only one after the Hijrah."

And others tell him, "Perform *tamattu* (separate '*umrah* and *ḥajj*), for this is what the Messenger of Allāh ## did in his *Ḥajj*, which was his only one after the *Hijrah*."

So, it is obligatory for him to leave them and seek answers from others. Then, he is obliged to follow what we mentioned earlier: either he goes in accordance with the truth or be deprived of it after his *ijtihād*.

At this point, the layman is in such cases the same position as a scholar who has not been shown the correct ruling in a particular issue, either because of the contradicting narrations or verses, or a contradiction between narrations and verses. His ruling is then *tawaqquf* and to increase his seeking and searching until the truth becomes clear to him, or he dies while seeking the truth, which would raise his rank in the Hereafter in both cases. Allāh will not hold him accountable for neglecting something in which the truth was not made clear to him, as we have already clarified, that the *sharī ʿah* does not obligate anyone except one whom it reaches and it is understood by him.

The fundamental principle is that everything is permissible, because of the saying of Allāh, "It is He who created for you all that is on the earth" [Al-Baqarah: 29].

And based on the saying of the Prophet, "The greatest sinner in Islām is the one who asks about something that was not prohibited, and it was made forbidden because of his question."

And the fundamental principle is that no one is obliged to do anything except after the arrival and clarification of the text. Allāh said, "Do not ask about things which, if they are shown to you, will distress you" [Al-Mā'idah: 101].

The Prophet also said, "If I had said it, it would have become obligatory. So leave me as long as I leave you."

And in his saying regarding the night prayer in Ramaḍān, "I feared it would be made obligatory upon you."

So, if a person knows that *Ḥajj* is obligatory upon him but does not know how to perform it, he is not held accountable for what he neglected of the required acts of *Ḥajj* except for what he knows, not for what he does not know. However, it is obligatory upon him to seek further knowledge until he knows how to perform it, and once he knows, he is obligated to act upon that knowledge. Allāh does not hold anyone accountable for something in which the *ḥujjah* has not been established against him or the correct understanding has not reached him, because that ruling has not reached him. Allāh says, "That I may warn you thereby and whomever it reaches" [Al-An ʿām: 19].

As for the one who says that it is obligatory on the layperson to accept what the $faq\bar{\imath}h$ has issued as a $fatw\bar{a}$ without clarifying, as we have clarified it, this is false.

We ask the one who makes this claim: If you are a Shāfiʿī, what do you say about a layperson who asked a Mālikī or a Ḥanafī about a man who freed his slave woman and married her, making her emancipation her dowry,



and the *fatwā* was issued that she is not his wife and that his marriage is invalid? Do you allow him to leave her without a divorce and marry her to someone else, and with that making it permissible for him something that Allāh has prohibited? Or do you see him as sinful if he stays with her?

And if you are a Mālikī, what do you say about a layperson who asked a Shāfī'ī or a Ḥanbalī about marrying a woman who breastfed him two times, and the $fatw\bar{a}$ was issued that her marriage is permissible? Would you allow this and say it is obligatory to follow that saying?

Or if he asked a Hanafī about sharecropping, and the $fatw\bar{a}$ issued was that it is prohibited, is it obligatory upon him to follow the prohibition of sharecropping?

If he says yes, then it is said to him: Who made this prohibition obligatory upon him when you say it is obligatory for him to follow the *faqīh*'s saying? Was it you, or was it Allāh Almighty? If he says it was Allāh Almighty, he has lied against Allāh, and he admits that Allāh has obligated something contrary to his *madhhab*. If he says it was the *faqīh* who obligated it, he has abandoned his *madhhab* and adds to that he is making prohibited and making permissible, and this is an exit from Islām.

And likewise, a Ḥanafī is asked about a layperson who sought a *fatwā* from a Mālikī regarding speaking during prayer in a manner that corrects it, and the Mālikī issued a *fatwā* permitting it. Is the layperson obliged to accept the Mālikī's ruling, such that speaking during prayer becomes permissible for him, and he is then bound by everything we previously mentioned?

In this way, we ask everyone who believes in an issue while he considers it grave (like the issues we just mentioned are grave) when others differ with them, like a layperson who asks a $faq\bar{\imath}h$ for a $fatw\bar{a}$, and the $faq\bar{\imath}h$ gives a $fatw\bar{a}$ that this one (the questioner) considers grave. We ask: Did Allāh oblige upon him (the layperson) the obligation to accept that ruling or not? If he says no, then he abandons his position on this, for indeed, Allāh has imposed upon the layperson the acceptance of the $fatw\bar{a}$ of the inquired $faq\bar{\imath}h$.

And if he says yes, then he has become a $h\bar{a}kim$ who prohibits and permits something at the same time, upon one human and from one aspect with one obligation and the invalidity of that obligation both at the same time, making the ruling of Allāh dependent on the ruling of that $muft\bar{t}$, and rendering the ruling of that $muft\bar{t}$ a nullifier of Allāh's ruling and the ruling of His Messenger .

He makes the religion of Allāh dependent on the ra \bar{i} of men and subject to change with the alteration of $fat\bar{a}w\bar{a}$ — sometimes it is nullified, and sometimes it is obligatory. In this, there is the exit from Islām, stubborn against the \bar{i} aql, and nullification of truths. Success is from Allāh.

And people, regarding what they believe, do not cease to fall into four possibilities for which there is no fifth:

Either a person seeks the truth and his *ijtihād* leads him to the truth, which he then believes with insight;

Or he seeks the truth but is deprived of attaining it due to certain factors that preceded him in the knowledge of All $\bar{a}h$;

Or he makes $taql\bar{\imath}d$ and his $taql\bar{\imath}d$ coincides with the truth in his $taql\bar{\imath}d$ (imitation)

Or he makes *taqlīd* and coincides with error in his *taqlīd*.

As for the first two cases, the Messenger of Allāh ## has ruled that whoever makes *ijtihād* and attains the truth has two rewards, and whoever makes *ijtihād* and is mistaken has one reward.

The saying of the Prophet $\stackrel{\text{def}}{=}$, "If the $h\bar{a}kim$ makes $ijtih\bar{a}d$," applies to every mujtahid, for anyone who believes in a ruling about an issue is a $h\bar{a}kim$ in what he believes. This is his name explicitly, not by ta ' $w\bar{\imath}l$, because seeking is not the same as being correct. The one who seeks may not attain correct, as we have mentioned, and one who does not seek can be correct. When one seeks, he is rewarded, and when he attains, he has done a second action for which he is also rewarded a second time.

If it becomes unclear to him after seeking, then he neither commits what is prohibited nor deliberately relies on disobedience, there is no sin upon him, but he did not fulfill what was ordered, of what is correct, so he does not receive a reward for what he did not do, but he does receive a reward for seeking.

But seeking (*ijtihād*) varies: there is seeking that is ordered, and seeking that is not ordered. The seeking that is ordered is seeking in the Qur'ān, the Sunnah, and the *dalīl* of both. Whoever seeks in these three sources has sought as it is ordered, so he is rewarded for seeking because he is fulfilling what he was ordered to do, as we have mentioned.

And the seeking ($ijtih\bar{a}d$) that is not ordered is seeking in $qiy\bar{a}s$, $dal\bar{\imath}l$ $al-khit\bar{a}b$, $istihs\bar{a}n$, and in the statement of anyone other than the Prophet $\stackrel{\text{def}}{=}$. Such a person has not sought as it is ordered, so he is not rewarded for that



seeking. However, since his intention in that was to seek Allāh's pleasure and to seek the truth, and he was not intending the wrong while knowing it was false, he is rewarded for his intention.

It has been authentically narrated from the Messenger of Allāh ## that he said as we mentioned before, "Whoever intends to do good but does not do it, it is written for him as a hasanah."

And without doubt a *ḥasanah* is rewarding. So the reward here varies: whoever intends to seek, then seeks as ordered, has ten good deeds, for he intended a good deed and then did (the seeking of) it.

Whoever intends to seek as ordered and then does not seek it has one good deed, for he did not perform it as ordered (the act of seeking).

The Messenger of Allāh said, "Whoever intends to do a good but does not do it, it is written for him as a good deed; and whoever intends to do a good and does it, it is written for him as ten to seven hundred times its worth; and whoever intends to do a bad deed but does not do it, it is not written; and if he does it, it is written."

And the Messenger of Allāh , in what he said about his Lord, exalted is He, said, "Allāh has written down the good and the bad deeds, and He has clarified it. So whoever intends to do a good deed but does not do it, Allāh records it for him as a complete good deed; and if he intends it and does it, Allāh records it for him as ten good deeds to seven hundred to many times over. And if he intends to do a bad deed but does not do it, Allāh records it for him as a complete good deed; and if he intends it and does it, Allāh records it as one bad deed."334

As for the third category, which is the one who makes *taqlīd* and it coincides with the truth, he is disobedient to Allāh in his *taqlīd* because he has done something Allāh prohibited and made impermissible. So, he is sinful for that, and he is deprived of the reward the one who believes in the truth gets because he did not attain it through the means Allāh ordered.

Whoever acts contrary to Allāh's order, his action is null, and without a doubt, the wrong *mujtahid* is greater in reward than the one who makes *taqlīd* and coincides with the truth and is better.

This is because the *muqallid* who coincides with the truth is sinful due to his $taql\bar{t}d$ and is not rewarded for his correctness, whereas the wrong

³³³ Şahīh Muslim 130

³³⁴ Sahīh al-Bukhārī 6491



mujtahid is rewarded for his *ijtihād* and not sinful for his error. A certain and guaranteed reward is better than a withheld reward and certain sin without a doubt.

If they say, "Then reject the testimony of every Muslim who does not know Islām through *istidlāl*, because he is a *muqallid* and the *muqallid* is sinful."

It is said to him: Whoever follows those whom Allāh has ordered him to be followed is not a *muqallid*, but an obedient person who does what he has been ordered, a *muḥsin*. The *muqallid* is only who follows someone whom Allāh did not order him to be followed, and this is a sinner before Allāh.

Then, if we knew that this Muslim believed in Islām only because of $taql\bar{\iota}d$ of his father, his neighbor, or those with whom he grew up, such that if he had grown up among non-Muslims he would not have been a Muslim, it is not permissible to accept his testimony. This is not far from kufr, and if he held such an intention, he would undoubtedly be a $k\bar{a}fir$.

And likewise the Prophet also informed us of this when he described the people's trial in their graves, saying , "As for the hypocrite or the doubter—we do not know which of these two words he used—he will say, 'I do not know; I heard people saying something, so I said it."

This is exactly what we said. But, most Muslims, praise be to Allāh, are far removed from this. You will find that the majority of them have firmly resolved in their hearts that even if their father or the people of their city disbelieved, they themselves would not disbelieve, even if they were burned by fire. Such a person is not a *muqallid*, and praise be to Allāh, the Lord of the worlds.

Similarly, one who makes $taql\bar{\iota}d$ in matters of $fatw\bar{a}$ or ' $aq\bar{\iota}dah$, and the hujjah has been established against him and afterwards he is stubborn, he is a sinner whose testimony is to be rejected. If he does not understand it, he is excused, and this does not invalidate his testimony. Allāh Almighty said, "They argue with you about the truth after it has been made clear" [Al-Anfāl: 6]. So Allāh, the Exalted, condemned those who argued after the truth was made clear to them, and the Prophet # excused 'Umar when he did not understand the verse of inheritance ($kal\bar{\iota}ahh$). This is the distinction between the two cases, and with Allāh is the success.

³³⁵ Sahīh al-Bukhārī 7287



As for the fourth category, which is the mistaken *muqallid*, he bears the sin of *taqlīd* and the sin of holding a wrong belief. So he carries two sins.

On the third category the narration narrated from the Prophet # may apply, "A man may pray, but only a half, a third, or a quarter of his prayer is accepted." 336

This upon how much of his prayer aligns with the correct rulings.

We have clarified previously the manner of *ijtihād* for a seeker of *fiqh*, what he is obliged to know regarding the *ruwāt*, the *thiqāt* and the weak, the *musnad* and the *mursal* narrations, and the method to build texts upon one another from the verses and *aḥādīth* by combining them, making exceptions, or additions by the upright transmitters, the abrogating and abrogated rulings, the *muḥkam*, general and specific, *mujmal* and *mufassar*, *ijmā* and *ikhtilāf*, and how to refer back to the Qur and Sunnah, and understand certain decisive evidences and tumult in accordance with his ability.

And we have clarified in this chapter the aspect of the layperson's *ijtihād*. As for those who permit the layperson to make *taqlīd*, they have spoken falsehood, because of the evidences we have previously presented regarding Allāh's order against *taqlīd* in general.

And despite their falsehood, they have contradicted themselves, for the one who says what we have mentioned has obliged the layperson to seek out the most knowledgeable person in his land.

This type is one of the forms of $ijtih\bar{a}d$, as it departs from $taql\bar{\imath}d$ and leaves it behind. No one has said that the layperson must make $taql\bar{\imath}d$ of anyone who happens to appear before him.

The meaning of abandoning $taql\bar{t}d$ for both the layperson and others is then established by $ijm\bar{a}$, as we mentioned earlier.

Even if some permit the word ($taql\bar{\iota}d$), they contradict themselves in permitting it. And whoever acknowledges the word but denies its meaning has admitted to the corruption of their position on it.

And also if one seeks out the most knowledgeable person in his land, it is unlikely that there would be unanimous agreement on that. Most often people will direct him to one individual while others will direct him to another.

³³⁶ Sunan al-Kubrā 612, 1/211



And also the name of having knowledge of *fiqh* may be used by people in some lands upon those who are not virtuous, who possess no knowledge, and others are more knowledgeable than them.

We have witnessed, in our own experience, sinful people carrying the title of knowledge of fiqh in our land, even though it is not permissible for them to give $fatw\bar{a}$ on a single issue of the religion, nor is it permissible to accept their testimony.

I have personally seen some of them, and no one in our time was considered by the people superior to him in issuing $fatw\bar{a}$, yet he would cover himself with a blanket of pure silk and had in his home images with souls made of copper and iron that poured water in front of him. He would issue $fatw\bar{a}$ in favor of a friend out of desire, and against his opponent in a contrary ruling, without shame for the inconsistency of his $fatw\bar{a}s$ according to his inclinations toward whom he ruled for or against. We witnessed this firsthand, and the majority of the people in the city followed him to such infamous transgressions that we avoid mentioning.

This, along with the spread among the people of $fatw\bar{a}s$ issued by those whom they call fiqh, based on $taql\bar{\imath}d$, $qiy\bar{a}s$, and $istihs\bar{a}n$. What led the common people to ask them was their $husn\ al$ -zann that they do not issue $fatw\bar{a}$ without knowledge or based on what is not authentic according to them from the Prophet. If the common people knew that most of what these " $fuqah\bar{a}$ " issue $fatw\bar{a}s$ on is without knowledge from Allāh the Almighty or from His Messenger, and that they lead them into opposition to the Qur'ān and the Sunnah, they would neither ask nor seek $fatw\bar{a}$ from them. Rather, they might rush upon them in a way that would ruin them.

So if someone asks two jurists, and each of them gives a different *fatwā* from the other, and one of them says, "This is what Allāh the Almighty said," and the other says, "This is what the Messenger of Allāh said," it is obligatory for him to follow the statement of the Messenger of Allāh, because of Allāh's saying, "So that you may explain to the people what has been revealed to them, and that they might reflect" [An-Nahl: 44].

And because the Messenger of Allāh does not oppose his Lord, the Almighty. Rather, he explains His intent, because without the Messenger of Allāh, we would not know that the Qur'ān is the word of Allāh the Almighty, nor would we know the religion of Allāh the Almighty, nor would we understand the intention of our Lord, nor His orders or prohibitions.

There is no disagreement among the Muslims about the obligation of adhering to the statement of the Messenger of Allāh and abandoning what we were ordered to leave from the Qur'ān. Among these is the unanimous agreement of the Muslims, except for the Azāriqah, on the obligation of stoning the married adulterer, though it is not explicitly mentioned in the Qur'ān, nor the number of prayers, nor the method of giving $zak\bar{a}h$, nor the prohibition of marrying a woman and her paternal aunt simultaneously, except for those who have deviated from the truth in these matters, as none of these are mentioned explicitly in the Qur'ān. Similarly, all other rulings and acts of worship are the same. With Allāh, the Almighty, is success.

The certain decisive evidence of our statement in this matter is what was narrated to us by Abū Muḥammad, "'Abdullāh ibn Rabī' al-Tamīmī, who reported from Muḥammad ibn Isḥāq ibn al-Salīm, from Abū Dāwūd, from Aḥmad ibn Ḥanbal, from Sufyān ibn 'Uyaynah, from Abū al-Naḍr, the client of 'Umar ibn 'Ubaydullāh, from 'Ubaydullāh ibn Abī Rāfī', from his father, from the Prophet who said, 'Let me not find any of you reclining on his couch, when a matter that I have ordered or prohibited comes to him, and he says, I do not know, we follow whatever we find in the Book of Allāh.'"³³⁷

If a *Muqallid* says, "A new Muslim or anyone that is not a scholar is not allowed to read Ṣaḥīḥ al-Bukhārī, Ṣaḥīḥ Muslim or any book of *Ḥadīth*!"

It is said to the *Muqallid*: You have contradicted, as there is no difference among any of you that everyone is allowed to read the Qurʿān. While there are abrogations (*nāsikh* and *mansūkh*) in the Qurʿān, *mutashābihāt*, *khuṣūṣ* of '*umūm* orders in different places of the Qurʾān, there are verses with *ḥadhf* and there are *mujmal* verses which require a *mubayyan* and words that require lexicons and knowledge of grammar.

If anyone comes across that which they do not know then they are obliged what we clarified before in this chapter.

If the Muqallid says, "Many of you do not know all defects of the $Ah\bar{a}d\bar{t}th$ you use, so you fell into $Taql\bar{t}d!$ "

The answer: If that is, according to you, $Taql\bar{\iota}d$, then none of your scholars from the beginning to the last are $Mujtahid\bar{\iota}n$, as none of them know the defects of narrations in detail in any of their Fiqh books nor do they mention them, not even the most advanced ones among them, they do not even bring the sanad.

³³⁷ Sunan Abī Dāwūd 4605



And most of you claim that $Ijtih\bar{a}d$ is obligatory in matters of ' $Aq\bar{\imath}dah$, as $Taql\bar{\imath}d$ is not allowed in it, while none of you can ever clarify the defects of the narrations you do not use in ' $Aq\bar{\imath}dah$ or the authenticity of the narrations which you do use.

Ijtihād is instead obligatory according to the ability of anyone, a new Muslim and the knowledgeable in the manner we mentioned which no one is incapable of.



Section: Is It Permissible To Make *Taqlīd* Of *Ahl ul-Madīnah*?

Some people have argued for making $taql\bar{t}d$ of $ahl\ ul-mad\bar{t}nah$. We have already clarified in the chapters about narrations and the chapters about $ijm\bar{a}$ in this book the falsehood of relying on the actions and $ijm\bar{a}$ ahl $ul-mad\bar{t}nah$ and also in other chapters, so we are not in need to repeat it. However, we must mention here a point relevant to our objective in this chapter, if Allāh wills.

Some have used as argument for the $taql\bar{t}d$ of ahl al- $mad\bar{t}nah$ because of their view on the amount of the mudd and the $s\bar{a}$.

This is not a *ḥujjah* for them because this matter is included in what they transmitted with *tawātur*, and this is while they in reality differed in this matter. It has been narrated from Mūsā ibn Ṭalḥa ibn ʿUbayd Allāh, who is from Madīnah, that he opposed their saying and agreed with the opinion of Abū Ḥanīfah.

If accepting their saying in the mudd and the $s\bar{a}$ were sufficient to accept all their sayings in other matters, then it necessitates $taql\bar{\iota}d$ of the people of Makkah in all their sayings due to the $ijm\bar{a}$ of the entire ummah on accepting their saying in the locations of 'Arafah, Muzdalifah, Minā, Jamarāt, Safā, Marwah, and the boundaries of the himā.

No one from all of the sects of Islām, whether ancient or new, has opposed the saying of the people of Makkah in these cases as it is obliged by $nus\bar{u}s$, this is while this is more than the mudd and the $s\bar{a}$ and also the ummah did not unanimously agree with their saying in the mudd and the $s\bar{a}$. And also their saying about the mudd and the $s\bar{a}$ is the least that has been said ($aqallu\ ma\ q\bar{\imath}l$), so it a hujjah for us from this perspective just as if others said the same; there is no difference because they stated that the $s\bar{a}$ is eight ritls while others said it is more than that, and the majority of $ahl\ ul$ - $mad\bar{\imath}nah$ and some others said it is five ritls and a little more. This quantity is unanimously agreed upon to be obligatory to give for $sak\bar{\imath}t$ salf sal

during Ramadan, the expiation for the one who has intercourse during fasting, and for the one who has separated from his wife and for the one who shaves his head while in the state of *iḥrām* before reaching the place of the sacrificial animal. So we must adhere to the $ijm\bar{a}$ on this matter, and what exceeds it is a matter of difference which must not be claimed except by nass, and there is no musnad authentic nass on that, so the claim to give more than that is not obligatory without nass or ijmā'. The entire ummah has concurred without disagreement among any of them that the *mudd* and the $s\bar{a}$ mentioned in zakāt al-fitr are the same as those mentioned in the amount upon which zakāt is obligatory from wheat, barley and dates, and that they are equivalent. So since the amount specified in zakāt al-fiţr is confirmed, it is also applicable in zakāt on wheat, barley and dates, and there is no difference. It suffices to say that this was transmitted about the Messenger of Allāh # by the masses. As for the disagreement regarding the mudd and the sa', it is merely a disagreement a ra i and not a disagreement of transmission from the Prophet so that disagreement has been nullified, and all praise is due to Allah, the Lord of the worlds.

They argued regarding this with what was narrated from 'Abd al-Raḥmān ibn 'Awf from 'Umar ibn al-Khaṭṭāb, may Allāh be pleased with them both, that he said, "The season gathers the riffraff of the people, so be patient until you arrive in Madīnah and you will be alone with the prominent faces of the people."

Meaning that 'Umar waited until he arrived at Madīnah before he made a decision.

The Answer: The Messenger of Allāh is more worthy to be followed than 'Abd al-Raḥmān ibn 'Awf. The Messenger of Allāh did not make the proclamation that Allāh ordered him to make except in Makkah during the Farewell Pilgrimage, at the gathering season of every scholar and ignorant person, where the Messenger of Allāh addid, "O people, have I conveyed [the message]?" The people replied, "O Allāh, yes." Then he said, "O Allāh, bear witness."

The Messenger of Allāh did not make that general proclamation by which he established the *ḥujjah* in Madīnah, nor to a select group of people, nor in the presence of the prominent faces of the people specifically over the riffraff.

³³⁸ Sahīh al-Bukhārī 3928, 6830

Likewise, the Messenger of Allāh did not suffice with reciting the Sūrah Barā'ah in Madīnah, which is the last Sūrah revealed and encompasses the matters of governance and leadership, until he also sent 'Alī to recite it during the pilgrimage in Makkah in the presence of every single one who attended³³⁹.

And also, them isolating this issue till they got to the notables in Madīnah was only an issue related to ra $\bar{\imath}$ that are managed and would cause harm if it would be revealed, as they are in the nature of secrets. Such was the statement of 'Umar, which 'Abd al-Raḥmān urged him to delay until he could be alone with the notables of the people. It was not of the obligatory rulings that must be made known from the obligations, prohibitions, and what is permissible. We are only discussing with our opponents the rulings that are binding upon the everyone, whether at China and al-Khālidāt, and those in Hūzārīn, Zanj, the lands of the Ṣaqāliba, just as they are binding upon the Companions and the people of Madīnah equally, without any difference.

We did not dispute with them in managing ra $\tilde{\imath}$ nor in warning about someone seeking the *khilāfah*. If they left the deception, it would have been better for them. If that statement was from the obligatory rulings, 'Umar would not have delayed it, nor would Ibn 'Awf have ordered him to delay it.

It is astonishing that those who say this have truly opposed the $ijm\bar{a}$ of the people of Madīnah. From that is their prostration with 'Umar during the verse, "When the sky is split" [Al-Inshiqāq: 1] on the day of Jumu ah, and they said that this is not an action to be followed, abandoning the $ijm\bar{a}$ of the people of Madīnah.

Another instance is their participation in the sacrificial offering on the day of al-Ḥudaybiyyah, and they said this is not to be followed, abandoning the correct $ijm\bar{a}$ of the people of Madīnah. But they claim $ijm\bar{a}$ where it does not apply, and with that reversing the realities.

Matters of religion are not taken except from a transmitted naṣṣ, and there is no naṣṣ that obligates the following of the people of Madīnah while excluding others. And as that is a claim is without any certain decisive evidence, then it is a fabrication against Allāh 3, asserting that He made it obligatory, whereas He did not. This is a grave matter, and we ask Allāh for success.

³³⁹ Ṣaḥīḥ al-Bukhārī 369, 1622, 3177

If the transmission of the people of Madīnah and others is only judged based on the narrator being a sinner or not—accepting the transmission of the upright 'adl —then in Madīnah there are upright people, sinning people, munāfiqīn, and others who are the worst of Allāh's creation and in the lowest depths of Hell. Allāh said, "And among the people of Madīnah are those who persist in hypocrisy. You do not know them, but We know them. We will punish them twice; then they will be returned to a great punishment" [AtTawbah: 101].

And He said, "Indeed, the hypocrites will be in the lowest depths of the Fire, and never will you find for them a helper" [An-Nisā': 145].

Similarly, in other lands, there are upright individuals, sinners, and hypocrites, without difference.

How can these ignorant ones claim the obligation to make *taqlīd* of the people of Madīnah while they contradict 'Umar ibn al-Khaṭṭāb in more than thirty issues from Mālik's Muwaṭṭa' alone? They have also contradicted Abū Bakr, 'Ā'ishah, Ibn 'Umar, Sa'īd ibn al-Musayyib, Sulaymān ibn Yasār, al-Zuhrī, and other *fuqahā'* of Madīnah in many of their statements. If following the people of Madīnah would be obligatory, then Mālik would be mistaken in opposing them, and they would have to abandon him as he opposes the ones we mentioned from *ahl ul-madīnah*.

The undeniable reality is that their intention in calling for following the people of Madīnah is merely a call to follow only Mālik. They do not care for anyone else from Madīnah.

Even more astonishing is that when they claim $ijm\bar{a}$ of the people of Madīnah on issues, they rely solely on the transmission of Mālik! It is impossible to establish $ijm\bar{a}$ based on a single transmission with no certain decisive evidence in his hands. And everything they apply of conditions to the trustworthy narrators of $had\bar{t}th$ from the Prophet and those after him until the Day of Judgment applies in the same manner for Mālik. There is no difference. So their argument is invalid to anyone with sound senses.

And also Mālik ibn Anas only claimed the *ijmā* of the people of Madīnah in his Muwaṭṭa on about forty-eight issues only. While *ikhtilāf* is clearly available in most of these issues from *ahl al-madīnah*, while in others, there is no disagreement among anyone, whether from Madīnah or elsewhere.

And he did not claim $ijm\bar{a}$ in the remaining of his issues. The truly ignorant followers of Mālik have falsely attributed $ijm\bar{a}$ to his views, despite



the blatant ignorance of this claim. We seek refuge in Allāh from misguidance in making sweeping claims that all or most of his sayings are the $ijm\bar{a}$ of the people of Madīnah.

Even if this false statement were correct, it would oblige rejecting the narrations of al-Qāsim, Ashhab, Ibn 'Abd al-Ḥakam, and all other Mālikīs, past and present, because they are not from Madīnah.

If then someone says, "They took from the people of Madīnah."

It's said: And likewise the people of Baṣrah, Kūfah, Shām, Miṣr, Makkah, and Yemen, who took from the Companions of the Messenger of Allāh, who were better and more knowledgeable than those mentioned. They took directly from the Messenger of Allāh, through whom Allāh guided whom He willed from the people of Madīnah and others.

The Qur'ān is known outside Madīnah just as it is known within it. The Sunnah of the Messenger is known and transmitted outside Madīnah just as it is in Madīnah. The religion is one, and Allāh grants whoever He wills from the people of Madīnah and others a portion of understanding in His religion. The people of Madīnah and others are equal, with no difference between them. Anything beyond this claim is a lie, falsehood, and slander, and with Allāh is success.

We have mentioned that neither Mālik, nor Abū Ḥanīfah, nor al-Shāfi'ī permitted anyone to make *taqlīd* of them or anyone else. It is narrated that Mālik gave a *fatwā* in a case of three divorce, and when Mālik saw Ashhab had written it down, he said, "Erase it. Every time I say something, you make it like the Qur'ān. What do you know? I might change my opinion tomorrow and say it's one."

And ibn al-Qāsim did not allow the selling of books of ra \bar{t} because he did not know if they contained truth or falsehood. But, he permitted the selling of the Qur'ān and books of $had\bar{t}th$ because they are truth. Mālik also said near his death, "I wish I had been lashed for every ra \bar{t} I gave."

Al-Shāfiʿī narrated a *ḥadīth* of the Prophet , and one of his students said, "O Abū ʿAbd Allāh, should we follow it?" Al-Shāfiʿī replied, "Do you see a cross on me? Do you see me coming out of a church? You ask me if you should follow a *ḥadīth* of the Prophet?"³⁴⁰

He always prohibited *taqlīd* in all his books.

³⁴⁰ Tārīkh Asbahān by Abū Nuʿaym 1/224 | Al-Hilyah 9/106



And this was narrated by Abū Muḥammad, "The judge Abū Bakr Ḥumām ibn Aḥmad narrated to me from 'Abdullāh ibn Muḥammad al-Bājī from the judge Aslam ibn 'Abd al-'Azīz ibn Hishām from Abū Ibrāhīm al-Muzanī from al-Shāfī'ī."

So these people abandoned what their predecessors had ordered them and they disobeyed them in the truth. They followed their own opinions out of *taqlīd* and stubbornness against the truth.

Abū Muḥammad narrated, "The judge Yūnus ibn 'Abdullāh and Muḥammad ibn Sa'īd ibn Nabāt narrated to us: Yūnus said, 'Yaḥyā ibn Mālik ibn 'Ā'in narrated to us; Abū 'Īsā 'Abd al-Raḥmān ibn Ismā'īl al-Khashshāb narrated to us; Abū Ja'far Aḥmad ibn Muḥammad al-Ṭaḥāwī narrated to us; Ibrāhīm ibn Abī al-Jaḥīm narrated to us; Muḥammad ibn Ma'ādh narrated to us; Sufyān ibn 'Uyainah narrated to us.' And Muḥammad ibn Sa'īd said, 'Aḥmad ibn 'Awn Allāh narrated to us; Qāsim ibn Aṣbagh narrated to us; Muḥammad ibn 'Abd al-Salām al-Khushanī narrated to us; Abū Mūsā, also known as Muḥammad ibn al-Muthannā, narrated to us; 'Abd al-Raḥmān ibn Mahdī from Sufyān al-Thawrī narrated to us. Then, Ibn 'Uyainah and al-Thawrī agreed, and the wording is from al-Thawrī: from 'Abdullāh ibn Ṭāwūs, from his father, who said, 'Mu'āwiyah said to Ibn 'Abbās, 'Are you upon the religion of 'Alī?' He replied, 'No, nor upon the religion of 'Uthmān. I am upon the religion of the Prophet .""

Abū Muḥammad narrated, "Muḥammad ibn al-Muthannā said; Muʾammal narrated to us; Sufyān al-Thawrī from Ibn Ṭāwūs from his father from Ibn ʿAbbās, who said: Muʿāwiyah said to me, 'You said, I am neither 'Alawī (follower of ʿAlī) nor 'Uthmānī, but I am upon the religion of the Messenger of Allāh ﷺ.""

Abū Muḥammad narrated, "Yūnus ibn 'Abdullāh narrated to us: Yaḥyā ibn Mālik ibn 'Ā'idh narrated to us; Ḥusayn ibn Aḥmad ibn Abī Ḥanīfah narrated to us; Abū Ja'far Aḥmad ibn Muḥammad al-Ṭaḥāwī narrated to us; Yūsuf ibn Yazīd al-Qarāṭīsī narrated to us; Sa'īd ibn Manṣūr narrated to us; Hishām narrated to us from al-Mughīrah ibn Miqsam about Ibrāhīm al-Nakha'ī, 'Ibrāhīm used to dislike it being said: 'The Sunnah of Abū Bakr and 'Umar,' but rather 'The Sunnah of Allāh and the Sunnah of His Messenger ﷺ.""

Since the Ṣaḥābah and Tābiʿūn did not deem make it permissible to attribute what they worshipped their Lord with, nor their methodologies, to

Abū Bakr, nor to 'Umar, nor to 'Uthmān, nor to 'Alī, and they would not associate themselves with anyone except the Messenger of Allāh, what would they say if they witnessed what we see today of the catastrophes that are destroying Islām from those whom Allāh has tested with ascribing themselves to the *madhab* of so-and-so and the sayings of Mālik, Abū Ḥanīfah, and al-Shāfī'ī, while abandoning the rulings of the Qur'ān and the statements of the Prophet **?

Praise be to Allāh for keeping us firm on His religion and His Sunnah, upon which the praiseworthy generations adhered, before the innovation of *taqlīd* appeared and spread. We seek refuge in Allāh and His protection.

Abū Muḥammad narrated, "Al-Namarī Yūsuf ibn 'Abdullāh the Ḥafiz narrated to us; Saʻīd ibn Naṣr narrated to us; Qāsim ibn Aṣbagh narrated to us; Ibn Waḍḍāḥ narrated to us; Mūsā ibn Muʻāwiyah narrated to us; 'Abd al-Raḥmān ibn Mahdī narrated to us; Sufyān al-Thawrī from Yazīd ibn Abī Ziyād from Ibrāhīm al-Nakhaʻī from 'Alqamah from 'Abdullāh ibn Mas'ūd said, 'How will you be when a fitnah (trial) envelops you, under which the young will grow and the old will age, and the people will take the practices of the innovators, so that when anything of it (their innovation) is changed, it will be said: 'You have altered the Sunnah!' It was asked, 'When will this happen, O Abū 'Abd al-Raḥmān?' He replied, 'When your reciters are many, and your jurists are few; your leaders are many, but your trustworthy ones are few; and the world is sought by the deeds of the Hereafter, and knowledge is sought for other than religion.'"³⁴¹

Abū Muḥammad narrated, "Aḥmad ibn 'Umar al-'Udhrī narrated to us; Abū Dharr 'Abd ibn Aḥmad narrated to us; 'Abdullāh ibn Aḥmad ibn Ḥamawiyyah al-Sarakhsī narrated to us; Ibrāhīm ibn Khuzaym ibn Mihr narrated to us; 'Abd ibn Ḥumayd narrated to us; Muḥammad ibn al-Faḍl narrated to us; al-Ṣaʿq ibn Ḥazn narrated to us; from 'Aqīl al-Jaʿdī from Abū Isḥāq al-Hamdānī from Suwayd ibn Ghaflah from Ibn Masʿūd that the Messenger of Allāh said to him, 'O 'Abdullāh ibn Masʿūd.' He said, 'Here I am, O Messenger of Allāh.' He said, 'Do you know who are the best of people?' He said, 'Allāh and His Messenger know best.' He said, 'The best of people are those who act the most when they understand their religion.' Then he said, 'O 'Abdullāh ibn Masʿūd.' He said, 'Here I am, O Messenger

 $^{^{341}}$ Al-Muşannaf by 'Abd al-Razzāq 20742, 11/359 | Al-Muşannaf by ibn Abī Shaybah 37156, 7/452-453



of Allāh.' He said, 'Do you know who are the most knowledgeable of people?' He said, 'Allāh and His Messenger know best.' He said, 'The most knowledgeable of people are those who perceive the truth best when the people differ, even if their actions are lacking, even if they crawl on their buttocks."³⁴²

'Aqīl al-Ja'dī is weak.

Abū Muḥammad narrated, "Al-Namarī wrote to me; Saʿīd ibn Saʿīd narrated to us; 'Abdullāh ibn Muḥammad narrated to us; Aḥmad ibn Khālid narrated to us; Ibn Waḍḍāḥ narrated to us; Ibrāhīm ibn Muḥammad al-Shāfiʿī narrated to us; Abū ʿAṣām Ruʾād ibn al-Jarrāḥ al-ʿAsqalānī narrated to us from Saʿīd ibn Bishr from Qatādah who said, 'Whoever does not understand the *ikhtilāf* has not even smelled the scent of *fiqh*.'"³⁴³

Abū Muḥammad narrated, "Al-Namarī wrote to me: Aḥmad ibn Saʿīd ibn Bishr narrated to us; Aḥmad ibn Abī Dulaym narrated to us; Ibn Waḍḍāḥ narrated to us; Ibrāhīm ibn Yūsuf al-Firyābī narrated to us; Damrah ibn Rabīʿah from 'Uthmān ibn 'Aṭā' from his father, who said, 'No one should issue a *fatwā* to anyone unless he is knowledgeable of the differences among the people. If he is not like that, he will reject from knowledge what is more trustworthy than what is in his possession.'"³⁴⁴

This is how we narrated it from Sa'īd ibn Jubayr, and this was also said by Ahmad ibn Hanbal and others.

Abū Muḥammad narrated, "Al-Namarī wrote to me: 'Īsā ibn Dīnār narrated from Abū al-Qāsim, who said: Mālik was asked, 'For whom is it permissible to issue *fatwās*?' He replied: 'It is not permissible to issue *fatwās* except for someone who knows what the people have differed on.' He was asked, 'The differences of the people of *ra* 'ī?' He replied, 'No, the differences of the Companions of Muḥammad and knowledge of the abrogating and abrogated from the Qur'ān and the *Ḥadīth* of the Prophet. Only then can one issue *fatwās*. It is not permissible for someone who does not know the statements of scholars to say, 'This is what I prefer.'"

Abū Muḥammad narrated, "Al-Namarī also said: Yaḥyā ibn Salām said, 'It is not permissible for someone who does not know the differences to

³⁴² Al-Muşannaf by ibn Abī Shaybah 321, 1/156

³⁴³ Al-Jāmi by ibn 'Abd al-Barr 795-797, 2/99-100

³⁴⁴ Al-Jāmi' by ibn 'Abd al-Barr 799, 2/100

³⁴⁵ Al-Jāmi' by ibn 'Abd al-Barr 803, 2/101



issue a $fatw\bar{a}$, and it is not permissible for someone who does not know the statements of scholars to say, 'This is what I prefer.'"³⁴⁶

Abū Muḥammad narrated, "Al-Namarī wrote to me: Khalaf ibn al-Qāsim narrated to us; al-Ḥasan ibn Rashīq narrated to us; 'Alī ibn Saʿīd al-Rāzī narrated to us; Muḥammad ibn al-Muthannā narrated to us; 'Īsā ibn Ibrāhīm narrated to us: I heard Yazīd Zuraī' say: I heard Saʿīd ibn Abī 'Arūbah say, 'Whoever has not heard the *ikhtilāf*, do not consider him a scholar.'"³⁴⁷

Abū Muḥammad narrated, "Al-Namarī wrote to me: Khalaf ibn al-Qāsim narrated to us; Muḥammad ibn Shaʿbān al-Qurāzī narrated to us; Ibrāhīm ibn 'Uthmān narrated to us; 'Abbās al-Dūrī said: I heard Qabīṣah ibn 'Uqbah say, 'He who does not know the ikhtilāf will not succeed.'"³⁴⁸

Abū Muḥammad narrated, "Al-Namarī wrote to me: Qāsim ibn Muḥammad narrated to us; Khālid ibn Saʿīd narrated to us; Muḥammad ibn Fuṭays narrated to us; Muḥammad ibn 'Abdullāh ibn 'Abd al-Ḥakam said: I heard Ashhab say: Mālik was asked about the differences among the Companions of the Messenger of Allāh , and he said, 'There is right and wrong in that, so look into that.'"³⁴⁹

Abū Muḥammad narrated, "Al-Namarī wrote to me: Yaḥyā ibn Ibrāhīm ibn Mazīn told me: Aṣbagh said: Ibn al-Qāsim said: I heard Mālik and al-Layth saying about the differences among the Companions of the Messenger of Allāh, "It is not as some people claim, that there is flexibility in these differences of opinions; rather, there is right and wrong."³⁵⁰

Abū Muḥammad narrated, "Al-Namarī wrote to me: 'Abd al-Raḥmān ibn Yaḥyā narrated to us; Aḥmad ibn Saʿīd narrated to us; Muḥammad ibn Rayyān narrated to us; al-Ḥārith ibn Miskīn narrated from Ibn al-Qāsim from Mālik, who said, 'In the *ikhtilāf* among the Companions of the Messenger of Allāh ,[®] there is right and wrong, so upon you is *ijtihād*.""³⁵¹

³⁴⁶ Al-Jāmi' by ibn 'Abd al-Barr 2/102

³⁴⁷ Al-Jāmi by ibn Abd al-Barr 796, 806, 2/100-102

³⁴⁸ Al-Jāmi' by ibn 'Abd al-Barr 807, 806, 2/103

³⁴⁹ Al-Jāmi 'by ibn 'Abd al-Barr 885, 2/161

³⁵⁰ Al-Jāmi' by ibn 'Abd al-Barr 2/161

³⁵¹ Al-Jāmi' by ibn 'Abd al-Barr 886, 2/161



Ismāʿīl mentioned this in the "Al-Mabsūṭ" from Abū Thābit al-Madanī from Ibn al-Qāsim from Mālik³⁵².

Abū Muḥammad narrated, "Al-Namarī wrote to me: 'Abd al-Wārith ibn Sufyān narrated to us; Qāsim ibn Asbagh narrated to us; Aḥmad ibn Zuhayr narrated to us: My father narrated to me from Saʿīd ibn 'Āmir; Shuʿbah narrated to us from al-Ḥākim ibn 'Utaybah, who said: 'There is no one among the creation of Allāh whose statement is taken and left except for the Prophet.'

Abū Muḥammad narrated, "Al-Namarī wrote to me: Khalaf ibn al-Qāsim narrated to us; Ibn Abī al-'Aqib in Damascus narrated to us; Abū Zur'ah narrated to us; Ibn Abī 'Umar narrated to us; Sufyān ibn 'Uyainah narrated to us from Ibn Abī Najīḥ from Mujāhid, who said, 'There is no one among the creation of Allāh whose statement is taken and left except for the Prophet."

Abū Muḥammad narrated, "Al-Namarī wrote to me: 'Abd al-Wārith ibn Sufyān narrated to us; Qāsim ibn Aṣbagh narrated to us; Aḥmad ibn Zuhayr narrated to us; al-Ghallāqī narrated to us; Khālid ibn al-Ḥārith said: Sulaymān al-Taymī said, 'If you take the lenient opinions of every scholar, all evil that exists will gathered in you.'"³⁵³

Abū Muḥammad narrated, "Al-Namarī wrote to me: 'Abd al-Wārith ibn Sufyān narrated to us; Qāsim ibn Aṣbagh narrated to us; Ibn Waḍḍāḥ narrated to us; Yūsuf ibn 'Adī narrated to us; Abū al-Aḥwaṣ narrated to us from 'Aṭā' ibn al-Sā' ib from Abū al-Bukhtarī said about the verse, 'They took their rabbis and monks as lords besides Allāh' [9:31]. If they would have ordered them to worship other than Allāh, they would not have obeyed them in that, but if they order them they make the ḥalāl made by Allāh a ḥarām and what Allāh made ḥarām ḥalāl, so they obeyed them in that and that was rubūbiyyah."

Abū Muḥammad narrated, "Ibn Waḍḍāḥ said: Mūsā ibn Muʿāwiyah narrated to us; Wakīʿ narrated to us; Sufyān and al-Aʿmash both narrated from Ḥabīb ibn Abī Thābit from Abū al-Bukhtarī, who said: Ḥudhayfah ibn al-Yamān was asked about the verse, 'They took their rabbis and monks as lords besides Allāh' [9:31]: 'Did they worship them?' He said, 'No, but they

³⁵² Al-Jāmi' by ibn 'Abd al-Barr 2/162

³⁵³ Musnad of ibn al-Ja'd 1319 | Al-'Amr bil-Ma'rūf by al-Khallāl 172, 173



made *ḥalāl* for them what Allāh had made *ḥarām*, and they made *ḥarām* for them what Allāh had made *ḥalāl*, so they followed them."

Abū Muḥammad narrated, "Al-Namarī wrote to me: Saʿīd ibn Naṣr narrated to us; Qāsim ibn Aṣbagh narrated to us; Ibn Waḍḍāḥ narrated to us; Mūsā ibn Muʿāwiyah narrated to us; ʿAbd al-Raḥmān ibn Mahdī from Shuʿbah from ʿAmr ibn Murrah from ʿAbdullāh ibn Salamah said: Muʿādh ibn Jabal said: 'O group of Arabs, how will you deal with three matters: a scholar's mistake, a hypocrite's argument with the Qurʾān, and a worldly affair that hinders you?' They were silent, so he said: 'As for the scholar, if he is rightly guided, do not make *taqlīd* of him in your religion, and if he makes a mistake, do not sever your ties with him; for a believer may make a mistake and then repent. As for the Qurʾān, it has signposts like the signposts of the road, which are not hidden from anyone. Whatever you recognize from it, do not ask about; and what you do not know, leave it to its scholar."

This is texts of our *madhhab*, and all praise is due to Allāh, Lord of the worlds, in following the apparent meaning and abandoning $taql\bar{t}d$.

Abū Muḥammad narrated, "Al-Namarī wrote to me: Muḥammad ibn Ibrāhīm narrated to us; Muḥammad ibn Aḥmad ibn Mufarrij narrated to us; Abū Saʿīd al-Baṣrī in Makkah narrated to us; al-Ḥasan ibn ʿAfān al-ʿĀmirī narrated to us; al-Ḥusayn al-Juʿfī from Zāʾidah from ʿAṭāʾ ibn al-Sāʾib from Abū al-Bukhtarī, who said: Salmān al-Fārisī said, 'How will you deal with three matters: a scholar's mistake, a hypocrite's argument with the Qurʾān, and a worldly affair that hinders you?' As for the mistake of the scholar, if he is rightly guided, do not make *taqlīd* of him in your religion; and as for the hypocrite's argument with the Qurʾān, the Qurʾān has signposts like the signposts of the road. Whatever you recognize from it, take it, and what you do not know, leave it to its scholar.'"

Abū Muḥammad narrated, "Al-Namarī wrote to me: 'Abd al-Wārith ibn Sufyān and Yaḥyā ibn Saʿīd said: Qāsim ibn Aṣbagh narrated to us; Bakr ibn Ḥammād narrated to us; Bishr ibn Ḥajar narrated to us; I am Khālid ibn 'Abdullāh al-Wāsiṭī from 'Aṭā', meaning Ibn al-Sāʾib from Abū al-Bukhtarī from 'Alī ibn Abī Ṭālib said, 'Beware of following the practice of the men; for a man may act according to the deeds of the people of Paradise, then he turns back due to Allāh's knowledge of him.'"³⁵⁴

³⁵⁴ Al-Jāmi' by ibn 'Abd al-Barr 965, 2/226-227



Abū Muḥammad narrated, "Al-Namarī wrote to me: Ibn Mazīn mentioned from 'Īsā ibn Dīnār from Ibn al-Qāsim from Mālik, who said: 'Not everything a man says is to be followed, even if he has merit. Allāh said, 'And those who listen to the speech and follow the best of it'" [39:18].

If those who make *taqlīd* of him had adhered to this statement of him, they would have been guided, and we seek refuge in Allāh from misguidance.

They also said, "The majority of the Companions were in Madīnah, and only a few left it. It is impossible for the Sunnah to be absent from the majority and known by the minority."

We clarified this in the greatest of details before. This is a very corrupt statement because <code>hadīth</code> only came from a thousand and three hundred Companions, most of whom were outside of Madīnah, and <code>fatwās</code> came from one hundred and thirty, most of whom were outside of Madīnah. These matters are not taken lightly, nor must religion be taken from those who do not care speaking about what they do not know, they have not used one day of their life's for it at all, nor have they ever occupied themselves with researching it for even one night of their lives. It is only taken from those who have dedicated themselves to it and preferred it over the pursuit of worldly leadership, preparing it as an argument when meeting their Lord when asked on the Day of Resurrection.

Then, every statement in which they have made $taql\bar{\iota}d$ of Mālik from those conflicting ra $\bar{\iota}s$ and those issues which have two or three different ra $\bar{\iota}s$ — which is also from the majority of his sayings — then not everything of that was witnessed by all of his remaining companions in Madīnah, nor were all the other rulings he attributed to whom he attributed them. They are instead mere rulings ruled by a judge, either accepted by others among them or rejected. And whoever claims $ijm\bar{a}$ among them on every ruling issued in their presence, or that all of them were aware of every decision, let alone in agreement with it, has made a claim of falsehood that is evident to everyone. There is no doubt that they were not all present for every ruling made by the $im\bar{a}m$ there or his judge. So the falsehood of what they use as argument is evident, and success is only with Allāh the Exalted.



Chapter Thirty-Six: Dalīl Al-Khiṭāb, Mafhūm Al-Mukhālafah

This is a grave issue where many people have made grave mistakes and experienced severe conflict. And that is that a group said, "When a naṣṣ from Allāh or His Messenger mentions a ruling connected to a specific attribute, time, or number, then it is obligatory for anything other than that attribute, time, or number to judge it with the opposite ruling of the ruling that is $manṣ\bar{u}ṣ$ (the ruling of the specified description). The fact that the ruling was attached to the specified conditions indicates that what is other them must be different."

Another group, and they are most of our Zāhirī companions and some of the Shāfī'īs like Abū al-'Abbās ibn Suraij, and some Mālikīs, said, "If a ruling is mentioned in such a way, it does not indicate that what is other than it must take the opposite ruling. Instead, that remains upon what a *dalīl* indicates."

This is the saying that no one is allowed to oppose, and the complete position of it is the saying of our Zāhirī companions, "Every statement or case gives you what is in it only, it does not give you a ruling of other than that. Neither does it imply that what is other than it is the same nor that it is different; but everything other than it is dependent on its own evidence."

Some of *ahl ul-qiyās* including some Ḥanafīs, Shāfiʿīs, and Mālikīs, like Abū al-Ḥusayn al-Qaṭṭān al-Shāfiʿī and Abū al-Faraj al-Qāḍī al-Mālikī, were perplexed by this when they observed their own severe contradictions on this chapter and because of that they said, "*Dalīl al-khiṭāb* comes in different forms. From them is what can be understood from it that what is other than the case which we are addressed, its ruling is then the same as what we are addressed by. And from them is what cannot be understood from it that what is other than the case which we are addressed by, then its ruling is the opposite of the ruling we are addressed with. And from them is what cannot be understood that what is other than the case which we are addressed

by is in accordance with the ruling which we are addressed by and not opposite to it."

For the first type they used an example with the verse, "Do not say to them 'uff' nor repel them" 17:23].

They say about this, "So we understand that other than 'uff' is the same as the ruling of 'uff'."

And they used many other verses which we will mention all in the chapter on $qiy\bar{a}s$ by the will of Allāh, because that chapter suits the most for all those verses.

And for the second category they used examples which they conflicted in. The Shāfi'īs and Ḥanafīs pointed to the saying of the Messenger, "For every forty-grazing sheep, one sheep is due as *zakāh*."

They about this, "So this indicates that what is not grazing, there is no $zak\bar{a}h$ obligatory on it, and it is not the same as the grazing sheep."

And the Mālikīs, placed this *ḥadīth* in the first category and said that it applies to other types of sheep as well.

The first group said, "This is the same as if someone says, 'If Zayd enters my house, then give him one *dirham*,' it is known that this condition is in it, and that if he enters he gives him one *dirham*, and that if he does not enter it then there is no *dirham* given."

The Mālikīs presented and example for the last type, "And the horses, mules, and donkeys for you to ride and as adornment" [An-Nahl: 8].

They said, "This indicates by the mention of riding and adornment that doing what is other than that is prohibited such as eating them and other matters."

Ans I the confused one said, "Dalīl ul-khiṭāb can in some cases indicate that what is other than it takes the opposite ruling and can in some cases indicate that what is other than it, does not take the opposite ruling."

They played in this place with the *khiṭāb* like children play with toy. At times, they rule for other than the $manṣ\bar{u}ṣ$ that the $manṣ\bar{u}ṣ$ indicates that its ruling as the same. And at other times they rule that the $manṣ\bar{u}ṣ$ indicates that its ruling is not the same. So how can there be two statements that issue a ruling for two names, and from one, they understand that what was not mentioned to be the same as what was mentioned, while from the other, they understand that what was not mentioned as the opposite of what was



mentioned? This is the opposite of what was understood from the first statement.

By Allāh, no 'aql created by Allāh can accept this, except for the 'aql of someone who deceives themselves and imagines something invalid with a baseless claim, one that anyone can easily make without any evidence. Anyone who does not care about what they say can claim they understood from this wording something other than what the wording conveys.

As for their intelligent ones, they called the first category $qiy\bar{a}s$ and the second $dal\bar{\imath}l$ al- $khit\bar{a}b/mafh\bar{u}m$ al- $mukh\bar{a}lafah$. They thought that by differentiating between a single concept with two names, they had escaped contradiction, but they are just as caught up in it as those who called all of $dal\bar{\imath}l$ al- $khit\bar{a}b$, with no difference between them.

We ask them based on their own words: What is the difference between you, when one group of you says that the mention of grazing livestock indicates inherently that anything other than grazing livestock is different, while another group says that the mention of grazing livestock inherently indicates that anything other than grazing livestock has the same ruling?

What is the difference between you and those who reversed your claim about the verse, "And among the People of the Book is he who, if you entrust him with a $qint\bar{a}r$, he will return it to you" [$\bar{A}l$ 'Imr $\bar{a}n$: 75]. One group says that the mention of a $qint\bar{a}r$ indicates that what is other than the $qint\bar{a}r$ is the same as a $qint\bar{a}r$, while the other says that the mention of a $qint\bar{a}r$ indicates that what is other than a $qint\bar{a}r$ is different from a $qint\bar{a}r$. As a betrayer may panic if it is large but may underestimate and then not betray if it is few.

So why did you not make the $qint\bar{q}r$ here as a limit for what is large, just as some of your groups have made the Prophets mention of two hundred dirhams as the threshold for obligatory $zak\bar{a}h$, indicating by that that twenty $d\bar{n}\bar{a}rs$ is a large amount, then no one swears an oath at the minbar for less than that amount, and that anything less than that is considered small and is only sworn for in front of the judge?

Some other groups among you have made the Prophets mention of a quarter of a *dinār* as the threshold for cutting off a thief's hand, claiming that a quarter of a *dinār* is a large amount, and anything less is small, so a person's

private parts are not made permissible (marriage with such a *mahr*) with less than that, nor is an oath taken at the pulpit for less than that.

Other groups among you have narrated the Prophet's mention of ten *dirhams* as the threshold for cutting off a thief's hand, claiming that ten *dirhams* is a large amount, and anything less is small, so the private parts are not made permissible with less than that, and they even made that a limit for what drops between the value of a slave and the blood money of a free person.

Among the matters they claimed to understand, that the *maskūt 'anhu* (that which no *naṣṣ* covered) is contrary to the ruling of the *manṣūṣ*, is His saying, "And if they should be pregnant, then spend on them until they give birth" [Aṭ-Ṭalāq: 6].

They said, "This indicates that a non-pregnant woman is different from a pregnant one."

This is an error, because a divorced woman does not cease to have a revocable (raj 'ī) divorce or irrevocable divorce. If it is raj 'ī and she has been touched by any touch, she is entitled to maintenance whether she is pregnant or not, by agreement of all of us. If it is not raj'ī, then she is not entitled to maintenance, whether she is pregnant or not as the nass of the Sunnah clarified. The nass mentioned has only come for raj 'ī revocable divorce and by the *nass* of the verses in which He began in that Sūrah clarifying *talāq*. Then He conjoined the other verses on it, "And when they have fulfilled their term, either keep them in an acceptable manner or part with them in an acceptable manner" [At-Ṭalāq: 2]. And this cannot happen except if it is raj 'ī, Allāh withheld from mentioning the non-pregnant in this Sūrah, then the Sunnah clarified that the touched woman that is not pregnant is the same as the pregnant woman without difference. It is not allowed for anyone to say, "Why did Allah not say anything about the non-pregnant woman here?" If they say, "That came before." It is said to them: And He did not mention the ruling of that just as he did not mention in that the ruling of khul'u, the wife whom the husband of passed away, faskh and others.

If they say, "But Allāh mentioned those in other verses."

It is said: And likewise, the obligation of spending on the non-pregnant has come in the Sunnah. Whoever wants to find every single ruling in a single verse, then he is devoid of 'aql, making excuses in corrupting the $Shar\bar{\iota}$ 'ah, but Allāh refuses except to complete His light.



And they claim that a group of linguists (*ahl ul-lughah*), including al-Mubarrid and Tha 'lab, supported this view.

The answer: Including this issue under the chapter of the language is a weak pretense and a grave deception because the language only needs its masters to understand the gathered letters that form words and to inform us of what their designations are composed of only, nothing more.

As for the understanding of whether a certain word is part of a ruling which they concur on with us that the ruling cannot apply for that word, this is not from the abilities of the language nor its conditions. This is only assumed by the one that has confusion about the ' $ul\bar{u}m$ ' and does not have the strength to differentiate between them.

And this matter exists in the natures of the Arabs and non-Arabs, and even if that would be established about Tha'lab, Al-Mubarrid, and Al-Aṣma'ī, then their saying would be that of all the people of the language, from the first to the last of them, without dispute among them. Rather, the saying of the people of every language, both Arabs and non-Arabs; that the name 'stone' does not mean a horse, and that the name 'horse' does not mean a dog, and that one who says, 'I rode a ship today' it does not mean that he also rode a donkey and also not that he did not ride it. And one who says, 'I ate bread' does not mean that he ate meat with the bread and also not that he did not eat it. And there would be in the testimony of all 'uqul by its agreement on the correctness of what we have mentioned sufficiency in the falsehood of the one that opposes, whoever they are, and clarifies the correctness of the one that says, "That what is not mentioned remains on its dalīt."

And some of them have objected to what was narrated from the Messenger of Allāh \approx regarding seeking forgiveness for those who died among the (*kuffār*) hypocrites, "I will increase beyond seventy."³⁵⁵

So they say, "There is evidence in this what is other seventy is forgiven by it."

This is false for two reasons: the first is that this is a claim without evidence, and if he had decisively stated it, it would have been the truth, but he did not state that as the reason. And when he despaired of forgiving them with the seventy, he hoped for an increase. And this hadīth is one of the greatest hujjah against their claims in which they forgot themselves, saying that what is other than a qintār in His statement, "And you have given one of

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³⁵⁵ Şahīh al-Bukhārī 4670

them a *qintār*" [An-Nisā': 20] and what is other than '*uff*' in His statement, "Do not to them '*uff*' and do not repel them but speak to them a noble word" [Al-Isrā': 23] is the same as a *qintār* and the same as '*uff*'.

So, why do they not say that what is other seventy is the same as seventy, just as they said that what is other than a $qint\bar{a}r$ is the same as a $qint\bar{a}r$? Or why do they not say that what is beyond the $qint\bar{a}r$ is other than a $qint\bar{a}r$, just as they said here that what is other than seventy is other the seventy?

Rather, Allāh Almighty has declared their sayings false by his saying, "It is all the same for them whether you ask forgiveness for them or do not ask forgiveness for them; never will Allāh forgive them" [Al-Munāfiqūn: 6], and by His prohibition of His Prophet from praying for them altogether. So Allāh made clear in this general verse that what is other than seventy is the same as seventy.

And no ignorant person should think that by this statement it is incumbent upon us that everything that is other than that which is explicitly mentioned has the ruling of what is explicitly mentioned, we seek refuge in Allāh from that. If we were to think so, as they did, we would be in opposition to the Messenger of Allāh as he hoped that what is other than seventy would be different from seventy. For we do not say that by the mere mention of seventy inherently, it must be that what is other seventy is either the same as the ruling of seventy or other than it. We instead said it is possible that what is other than seventy to be the same as seventy in that they are not forgiven, and it is possible that it is different from seventy in that they are forgiven.

We only await what comes in the clarification, exactly as the Messenger of Allāh did, without difference, then Allāh Almighty reveals whatever He wills, either in agreement with what has been mentioned or in disagreement with it. And the *aṣl* is the permissibility of seeking forgiveness in general by His saying, "And invoke [Allāh] upon them. Indeed, your invocations are reassurance for them" [At-Tawbah: 103]. And prayer here is supplication without disagreement, and seeking forgiveness is a type of supplication. So when he explicitly states that the seventy is excluded from the general supplication for them, then what remains from that is on the apparent permissibility of the previous statement until He prohibits seeking forgiveness for them altogether, and prohibits praying for them entirely.



And the text of the <code>hadīth</code> has come in this manner, as we said from his reports that he was given a choice in that. So he took the apparent meaning of the wording. Abū Muḥammad narrated, "'Abdullāh ibn Yūsuf reported to us from Aḥmad ibn Fatḥ from 'Abd al-Wahhāb ibn 'Īsā from Aḥmad ibn Muḥammad from Aḥmad ibn 'Alī from Muslim who said: Abū Bakr ibn Abī Shaybah said: Abū Usāmah said: 'Ubaydullāh ibn 'Umayr from Nāfi' from Ibn 'Umar that the Messenger of Allāh said when 'Umar interrupted him in prayer for 'Abdullāh ibn Abī, 'Indeed, Allāh has only given me a choice.' Then he recited, 'Whether you ask forgiveness for them or do not ask forgiveness for them, if you ask forgiveness for them seventy times, Allāh will not forgive them that' [At-Tawbah: 80] And I will increase beyond seventy."

So the Prophet ** took the apparent meaning in the choice and the previous asl of permitting seeking forgiveness until he prohibits it altogether.

Some of them said, "Everything other than the mentioned thing is different to the mentioned thing unless there is accompanying evidence for it."

We say to him: What is the difference between you and those who opposed you from the people of your *madhhab*? They intended to support *qiyās* then forgot themselves, just as you intended to support *dalīl al-khiṭāb*, but you forgot yourself. So they said to you, "Everything other than the things mentioned is part of the ruling on which it is mentioned except if there is accompanying evidence for it."

Then it is said to all of them: What is this accompanying evidence that each one of you refers to? Is it a soothsaying from you, or is it a natural thing that is obliging by necessary understanding what each of you have mentioned while it contradicts each other? Nothing remains but for them to say except that it is an obliging necessity that obliges understanding everything that is not mentioned, or they say it is a text that clarifies the ruling of what has not been mentioned in this other text. So whichever of these they say, they have agreed with our saying that nothing mentioned inherently indicates something about something not mentioned which was not mentioned in the text, we are only waiting for another text about it unless a necessity requires us to know its ruling, as the necessity of the sense such as His saying, "So walk in its sides and eat of His provision" [Al-Mulk: 15].

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³⁵⁶ Şaḥīḥ al-Bukhārī 4670

Indeed, we are unable to walk in the air or in the sky, nor can we eat from other than His provision.

Some argued with the narration of Abū 'Ubayd that the Prophet said "For one of you to be filled with pus until he sees it is better for him than to be filled with poetry." 357

And that Abū 'Ubayd denied the statement of one who said that this refers only to the poetry by which the Messenger of Allāh was mocked. Abū 'Ubayd said, "If that were the case, it would permit a little of the poetry by which the Messenger of Allāh was mocked, and that is not permissible."

The answer: This is not a hujjah for them; it is instead in opposition to what they assume, which is that the a s l is that the recitation of poetry is permissible due to the Prophet is listening to poetry and hearing it³⁵⁸.

As for narrating in which the Prophet is mocked, it is prohibited to listen, read, write, or memorize it, by the saying of Allāh, "And it is not for you to harm the Messenger of Allāh or to marry his wives after him, ever. Indeed, that is in the sight of Allāh a great sin" [33:53].

And by the saying of Allāh, ordering his veneration and honor in many verses. So when the prohibition came against filling the stomach with poetry, it was a means of expelling many of it from the general permissible ones. So what remains is other than the filling of the stomach from what is other than mocking the Prophet , and the limit of filling is that a person does not have knowledge of anything other than poetry only. And the limit of what is less than filling is that a person knows what is obligatory upon him and narrates with that from poetry whatever he wishes.

They also argued with the statement of Abū 'Ubayd regarding what was narrated from the Prophet , "The one delaying the paying off the debt he is able, makes it by that allowed to dishonor and punish him." ³⁵⁹

They claim, "This takes out the ruling of the one that does not delay it from the permissibility of harming him and punishment."

The matter is not how they think it to be. But when the Prophet informed us that our property are prohibited for each other and that the Muslim is the brother of the Muslim—he does not betray him, nor does he wrong him—it indicates that every person's reputation ('ird) inviolable and

³⁵⁷ Sahīh al-Bukhārī 6155

³⁵⁸ Sahīh Muslim 2255 | Sunan ibn Mājah 3758

³⁵⁹ Sunan Abī Dāwūd 3628

cannot be punished. And since the text came with the order to change the *munkar* with the hand, and the situation of the one delaying debt is a clear *munkar*, it makes his punishment part of the changing of *munkar* in general that was ordered to be changed. It also excludes him from what is prohibited in general of transgressing the reputations and punishing the muslims as something specific. This is something that a person of sound 'aql cannot understand otherwise.

And they argued that al-Shāfi'ī, one of the $im\bar{a}ms$ of ahl al-lughah, had said that the mention of al- $s\bar{a}$ 'imah (free-grazing livestock) by the Prophet is an inherent evidence that what is besides al- $s\bar{a}$ 'imah is contrary to the ruling of al- $s\bar{a}$ 'imah.

As for the imamate of al-Shāfiʿī—may Allāh have mercy on him—in language and religion, we acknowledge that. But he—may Allāh have mercy on him—was a human being who would be mistaken and be correct.

And where was al-Shāfi'ī—may Allāh have mercy on him—with this istidlal about the saying of Allah concerning the ransom of a murder that it should be a Muslim slave, which he used as evidence that the unmentioned religion of the slave that must be freed for zihār is to be the same to as what is required for the ruling of the ransom for murder, meaning that it must be also a Muslim slave. What is the difference between Allah's mention of the religion (of the slave) in the ransom for murder and the Prophets # mention of al-sā'imah in the hadīth of Anas? So, according to this reasoning, one would say that the ransom for zihār, the slave which was not specified in terms of the religion, must be the same as the ransom for murder, which was the religion of was specified. As for other than the sā'imah from the cattle, even if it was not mentioned in the hadīth of Ibn 'Umar, it is different from al-sā'imah. Then what is the difference between someone who reversed the ruling and said, "Instead the non-sā'imah livestock must be the same as the sā'imah, as the Mālikīs have said? As for the ransom of freeing the slave which the religion of was not mentioned, it is different from the ransom of freeing the slave whom the religion of is mentioned and specified, so a disbeliever would suffice as a ransom for zihār, as the Ḥanafīs have said. And there is in this enough to indicate the falsehood of that.

As for us, we say: If there were would not about the $s\bar{a}$ imah except the $had\bar{\iota}th$ of Anas, we would not obligate $zak\bar{a}h$ on anything other the $s\bar{a}$ imah because the default is that there is no $zak\bar{a}h$ on anyone unless a text

obligates it. So, if no text had come except on the sā'imah, zakāh would not be obligatory except on that. But as the *hadīth* of Ibn 'Umar came, obligating zakāh on every forty sheep, the hadīth about the sā imah became part of the *ḥadīth* that mentions sheep generally. So, we oblige *zakāh* on sheep, whether they are $s\bar{a}$ imah or not. And since Allāh specified that the ransom for murder must be a Muslim slave, we say that only a Muslim slave suffices as ransom for murder, exactly as Allah has ordered. And since the religion was not mentioned for the ransom of zihār, we say that any slave suffices for zihār, whether it is a believer or a disbeliever, as Allāh has said, except that a Muslim slave is preferable to us, because Allāh said, "A believing slave is better than a polytheist" [Al-Baqarah: 221].

And Allāh said, "And a believing slave woman is better than a polytheist" [Al-Baqarah: 221].

But a kāfirah woman suffices for ransom, due to the general saying of a slave by Allāh.

They also argued by the $ijm\bar{a}$ of Muslims that what is other that the specified number of wives—being four—is prohibited.

The answer: This is not as they think it to be, because when Allāh ordered the protection of private parts in general, He prohibited women altogether, from this everything permitted because specifically allowed, and everything else remains prohibited. And also the Messenger of Allāh # annulled marriages in excess of four, so his ruling suffices as evidence.

They also argued using the verse, "And the divorced women shall wait by themselves for three periods" [Al-Bagarah: 228].

This is not a hujjah for them, because Allah permitted them to remarry according to the text, "And when they have completed their term, there is no blame upon them for what they do with themselves by ma'rūf' [Al-Baqarah: 234]. And permissible marriage is from the ma'rūf.

They also argued by His saying: "Mothers shall breastfeed their children for two full years-for those who desire to complete the breastfeeding" [Al-Bagarah: 233].

This is not a hujjah for them, because if the mother wishes to breastfeed for less than two years or more, that is permissible for her, as long as weaning before two years does not harm the child.

We would also say that nothing makes a *maḥram* by that except what occurs within the two years of breastfeeding, because the *aṣl* is that breastfeeding does not make anyone a *maḥram*.

But when Allāh prohibited the marriage of women through breastfeeding, and we find that He orders breastfeeding for two years, whatever exceeds two years is not what is ordered, but what is permissible. So the breastfeeding that makes a *maḥram* is the ordered breastfeeding, and not anything else unless there is a text or *ijmā* 'indicating otherwise.

But when we come to statement of Allāh: "Prohibited [for marriage] to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, the daughters of your brother, the daughters of your sister, your foster mothers who breastfed you, and your foster sisters" [An-Nisā': 23].

And taking that upon its generality, and the words of the Messenger of Allāh when he informed that Sālim, who is a man with a beard (an adult), that is prohibited to marry the one who breastfed him. Then it is not permissible to oppose any part of that, and with Allāh's help is success.

And this is while most of those who have cited the aforementioned as evidence of the discourse have made the time beyond two years by a month, and some said by six months, and others said a full year is the same as two years. And making a *maḥram* by any of that, contradicting what they had established and destroying what they had begun with, showing that their ruling with this was from other than Allāh.

And they use as argument by saying that the Messenger of Allāh \cong was given $jaw\bar{a}mi'$ al-kalim, so it is impossible that Allāh, the Exalted, or His Messenger \cong would mention a word without benefit. And that the Prophet \cong mentioned the ruling on the $s\bar{a}'imah$ (grazing animals), and if it had no benefit, he \cong would not have mentioned it.

Such questions are the question of the people of atheism, and it is, along with that, weak and severe deception. And we affirm that Allāh did not mention a word except with benefit, and likewise His Messenger. However, we differ with them in what this benefit is. So we say: The benefit in every word is in submission to its meaning, issuing rulings according to its implication, and receiving great reward in acknowledging that it is from Allāh, the Exalted, and that we do not ask, "Why is it like this" prior to it, nor do we say, "Why did Allāh not say such-and-such?" Nor do we transgress the

limits of what Allāh has ordered us, adding to what was mentioned what was not mentioned, or adding rulings by what was not named because of was mentioned, whether in opposition or agreement. And we do not take out from what we were ordered anything by ra $\tilde{\imath}$, instead we say that these are all corrupt statements and objections of every ignorant person who has deviated and has grave audacity.

So there is no greater benefit than that which leads to Paradise and saves from Hell.

As for them, they are more knowledgeable of the benefits they nullify, in many of what we have mentioned.

They also say, "It would have been better if the Prophet $\stackrel{\text{def}}{=}$ had mentioned sheep or cattle in general instead of mentioning $s\bar{a}$ 'imah."

The answer: This is you instructing your Lord, the Exalted, on how to reveal His revelation, and to His Prophet how to convey from his Lord, the Exalted. So who is more astray than the one who places himself in this position?

It is also said to them: What is the difference, according to your corrupt method, between Allāh mentioning seeking forgiveness seventy times and His meaning and that there is no difference among you, that what is above seventy is the same as seventy because of what is clarified in another verse? And between His $\stackrel{\text{\tiny{sa}}}{=}$ mentioning $\stackrel{\text{\tiny{sa}}}{=}$ imah while he means, with $\stackrel{\text{\tiny{sa}}}{=}$ imah, other than $\stackrel{\text{\tiny{sa}}}{=}$ imah, because of what is clarified in another $\stackrel{\text{\tiny{had}}}{=}$ th? And why was it not sufficient for the mere mention of the prohibition of seeking forgiveness in general rather than seventy times?

As for their question: "What is the point of mentioning $s\bar{a}$ 'imah when it would have sufficed to mention sheep in general?"

It is said to them: What is the meaning of Allāh mentioning Jibrīl and Mīkā ʿīl after His mentioning the angels in His saying, "Whoever is an enemy to Allāh, His angels, His messengers, Jibrīl, and Mīkā ʿīl" [Al-Baqarah: 98].

It would have sufficient to mention the angels in general?

And what is the meaning of His saying, "Indeed, Ibrāhīm was forbearing, grieving, and constantly returning to Allāh" [Hūd: 75].

Do you then believe Ismā'īl was not forbearing and grieving?

And what is the meaning of His saying about Ismāʿīl, "Indeed, he was true to his promise" [Maryam: 54].



Do you believe Ibrāhīm, Mūsā, and 'Īsā were not true to their promises?

It is also said to them: We find that Allāh, the Exalted, mentioned in the Qurʾān, which is miraculous in its composition, a story about an event, a ruling, or a sermon, and He mentions part of it in one place, then He mentions that exact event, that exact ruling, and that exact sermon in another place in greater detail than in the first place. And no one objects to this except the one who is against his Creator, the Exalted, because what we have mentioned exists in more than a hundred places in the Qurʾān, in the stories of Mūsā, Nūḥ, Ibrāhīm, Ādam, the description of Paradise and Hell, and the command for prayer, ḥajj, zakāh, ighārah, and other matters.

And the Messenger of Allāh \cong used to repeat his words when he spoke, three times³⁶⁰.

There is no difference between repeating all of it and repeating some of it. So he repeated the mention of sheep and $s\bar{a}$ imah in one place, while he mentioned sheep in general in another place, just as Allāh, the Exalted, repeated His saying, "Those who believe and do righteous deeds for what they have consumed when they fear Allāh, believe, and do righteous deeds, and then fear Allāh and believe, and then fear Allāh and do good" [Al-Mā'idah: 93].

And just as Allāh frequently mentions Mūsā in the Qurʿan in one hundred and thirty places, and Ibrāhīm in sixty-four places, He does not mention Idrīs, al-Yasaʿ, Ilyās, and Dhū al-Kifl except in only two places in the Qurʿān. Similarly, Allāh repeats the verse, "So which of the favors of your Lord would you deny?" All in the same Sūrah, thirty-one times. So, can anyone object and say, "Why didn't He repeat it more?" or "Why didn't He limit it to a fewer number?" or "Wouldn't it have sufficed to mention it just once!" Just as these mistaken people say, "Why wasn't it sufficient to mention only sheep instead of including sā'imah?"

We have clarified that there is no benefit for Allāh in what He creates or what He leaves out, but rather the benefit is for us in earning the great reward through believing in all of that, as Allāh says, "But as for those who believe, it increases them in $\bar{l}m\bar{a}n$, and they rejoice" [At-Tawbah: 124].

And Allāh informs that the *kuffār* said, "What does Allāh intend by this example?" [Al-Muddathir: 31].

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³⁶⁰ Sahīh al-Bukhārī 94, 95, 6244

So, we increase in $\bar{\imath}m\bar{a}n$ by what we have presented, and we do not question, "'What did Allāh intend by this example?" Let them choose for themselves whichever of the two paths they love, just as 'Alī ibn 'Abbās said, "The way ahead of you is clear, so look which of the two paths you will follow: one is straight and the other crooked."

It is also possible that there is an additional benefit in repeating $s\bar{a}$ 'imah and mentioning it exclusively in some places, which is that we have known that some obligations are more emphasized (more ta ' $k\bar{\imath}d$) than others, such as the prayer, which is more emphasized than fasting, but this does not remove the obligation of fasting during Ramaḍān. Similarly, murder and shirk are more emphasized in prohibition than unjustly striking a Muslim, but this does not remove the prohibition of unjust striking from being $har\bar{\imath}am$.

The meaning in what we have mentioned regarding emphasis ($ta'k\bar{t}d$) is only that one deed carries greater reward, and another carries greater sin. While all are equal in obligation and prohibition, without distinction among them. All of them are equal: this is $har\bar{a}m$, and this is $har\bar{a}m$; this is obligatory, and this is obligatory.

So the reward for the one who pays $zak\bar{a}h$ on $s\bar{a}$ 'imah may be greater than the one who pays $zak\bar{a}h$ on non- $s\bar{a}$ 'imah, while both are fulfilling an obligation and are rewarded for what they have performed. Similarly, the sin of the one who withholds $zak\bar{a}h$ on $s\bar{a}$ 'imah is greater than the sin of the one who withholds $zak\bar{a}h$ on non- $s\bar{a}$ 'imah, while both are withholding an obligation and bear sin.

So, mentioning *sā'imah* exclusively in some places has a great benefit, just as the adulterer with his neighbor's wife or the wife of a *mujāhid* is more sinful than an adulterer with an unrelated woman, or with a woman who is a non-Muslim under a treaty or at war. All are adulterers, committing a major sin and are sinful, while the sin varies in severity.

The same is true with His saying, "And to parents, good treatment" [Al-Isrā': 23].

And His saying, "So as for the orphan, do not oppress him. And as for the petitioner, do not repel him" [Aḍ-Ḍuḥā: 9-10].

Is there a permissibility in this then, to oppress other than the orphan or repel other than the petitioner, or to withhold goodness from others besides parents, relatives, neighbors, and fellow Muslims?

Instead, since oppressing the orphan, repelling the petitioner, and withholding goodness from parents carries greater sin and greater reward, they were mentioned specifically in some places and included with others in other places. Likewise, $s\bar{a}$ imah and non- $s\bar{a}$ imah may be similar in this respect. Similarly, Allāh mentioned prayers when He says, "Maintain your prayers, especially the middle prayer ($Sal\bar{a}h$ al- $Sal\bar{a}h$)" [Al-Baqarah: 238].

And these people are asked just as they asked us, so they are told: The meaning behind the Prophet # mentioning $s\bar{a}$ 'imah specifically in some $had\bar{\imath}ths$ is the exact same to the meaning of Allāh specifically mentioning the middle prayer (\Del{Salah} al- \Bar{Wusta}) for emphasis, while Allāh made all other prayers already general. Just as the Prophet # had already included both $s\bar{a}$ 'imah and non- $s\bar{a}$ 'imah in the $had\bar{\imath}th$ of Ibn 'Umar as general.

So with this, them seeking to know the benefit of repeating it specifically as $s\bar{a}$ 'imah and the mere mention of sheep is entirely invalidated by what we have presented, and it becomes clear that their question is misguidance and evil. And with Allāh lies success.

What is sufficient for all of this is the saying of Allāh, "He is not questioned about what He does, but they will be questioned" [Al-Anbiyā': 23].

And what has been narrated from the Messenger of Allāh, ## "The extremists are destroyed." 361

And no extremism is greater than asking, "Why did Allāh order such and such and not order such and such?" And with Allāh, we seek help.

And they say, "The saying of the Messenger of Allāh: "" 'Wilāyah is only for the one who emancipates' is evidence that there is no allegiance for the one who does not emancipate."

The matter is not as they think it is. Instead since the a
otin l is that no one has $wal \overline{a}$ over another, as Allāh says, "O children of \overline{A} dam" [Al-Aʻrāf: 26].

And as Allāh says, "The Muslims are only brothers" [Al-Ḥujurāt: 10].

And as the Messenger of Allāh said, "Everything of a Muslim is harām to another Muslim." 362

362 Sunan ibn Mājah 3933

³⁶¹ Sahīh Muslim 2670

Then the mentioned <code>hadīth</code> comes making <code>walā'</code> obligatory for the one who emancipates, and the one who did not emancipate remains in the state he was upon, with no <code>walā'</code> for anyone except by the decisive certain <code>ijmā'</code> transmitted that is with certainty based on the ruling of the Prophet <code>,\sigma'</code> such as those who descend from the emancipated through the male lineage, including all who are related to him, such as those conceived after the <code>walā'</code> tied to the one he is traced back to, like Usāma ibn Zayd and others, and if not for the statement of the Prophet <code>,\sigma' "Walā'</code> is only for the one who emancipates," <code>wilāyah</code> would not have been obligatory for the emancipated towards the emancipator, as that is something obliged by the <code>Sharī'ah</code>, and conditions of the <code>Sharī'ah</code> only occur by Allāh's order through the tongue of His Messenger **.

Every condition that is not in the Book of Allāh is false. And we find that this <code>hadīth</code> which they use as evidence does not prevent the obligation of <code>walā'</code> for someone other than the emancipator, as we just mentioned about the obligation of <code>walā'</code> on the child of the emancipated, while no one emancipated him, nor did his mother give birth to him, nor was he conceived except in a state of freedom, due to his father being emancipated. He was never emancipated, nor owned, nor was his father or grandfather ever emancipated or owned, nor was this person who is now under <code>walā'</code> emancipated by him, his father, or his grandfather, nor were they owned by him. So what they claimed based on <code>dalīl al-khitāb</code> is false.

One of the most astonishing things is that these who use this $had\bar{\iota}th$ to establish $dal\bar{\iota}l$ al- $khit\bar{\iota}ab$ are the most vehement in contradicting their own principles and in demolishing the very evidence they relied upon, because they have ruled that $wal\bar{a}$ is for someone other than the emancipator for one who was never emancipated without any evidence, neither from text nor $imm\bar{a}$, but merely a ra $\bar{\iota}$. So some of them made it obligatory for $wal\bar{a}$ to apply to the paternal uncle and grandfather of the emancipated, and they claimed it transfers like a ball being passed in play. But The Messenger of All $\bar{a}h$ declared it false with his statement, " $Wal\bar{a}$ " is like kinship."

And a kinship cannot transfer so it obliges that $wal\bar{a}'$, like kinship, does not transfer.

Yet they say that when a slave marries an emancipated woman and she bears him a child, the $wal\bar{a}$ of her child is to her masters. They said, "If

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³⁶³ Al-Mustadrak by al-Hākim 7990, 4/379



their father is emancipated, the $wal\bar{a}$ of their father reverts to the emancipator of their father."

Could there be anything more astonishing than this? While a person from Banī Tamīm belongs to them because his mother is their freed slave, and the Messenger of Allāh said – which they make a false *ta* wīl of – "The one freeing a slave of a people is one of them."

He becomes without any intermediary from Azd due to a man from Azd emancipating his father.

Could anything be more in contradiction with the Messenger of Allāh, the one conveying from his Lord, than this? Or could anything be more self-contradictory than their claim that the statement of the Prophet, "Walā' is only for the one who emancipates," is an evidence that there is no walā' for one who does not emancipate, while they have transfer walā' at times from a Yemeni to a Muḍarī, and at times from a Persian to Qurashī, while no one ever emancipated him, nor was he owned, nor was he ever born in a state other than freedom.

They oblige $wal\bar{a}$ ' to those that freed the mother, her child from a $harb\bar{\imath}$ man and over the child of a woman who is cursed, without any nass or $ijm\bar{a}$ '.

Where, then, is them relying on *dalīl al-khiṭāb*? Rather, the purpose of these people is to stir up tumult in the issue they are currently on, without caring if they contradict themselves in a thousand other issues just to support this one. Then when they move to a different issue, they do not care if they invalidate what they had previously affirmed, or affirmed what they had previously invalidated.

So it is established, that they constantly contradict the principle they built, proving that their statements are not from Allāh. They are merely people who have delved into *taqlīd* of corrupt statements that undermine each other, and they have grown accustomed to them, like anyone else adheres to the religion of their forefathers or those they grew up with, caring not for the validity of what they say in their attempt to support that which Allāh has not supported from those corrupt sects.

And they say about the statement of the Prophet , "Actions are only according to intentions," that this is an evidence that no action is valid except by intention, and that any action performed without an intention is invalid.

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³⁶⁴ Sunan Abī Dāwūd 1650

The matter is not as they claim, but rather, since Allāh says, "And that there is not for man except have what he strives for" [An-Najm: 39].

And He says, "And they were not ordered except to worship Allāh, being sincere" [Al-Bayyinah: 5]. It has been established that everything done what we have been ordered is invalid except if it is done with sincerity for what we are ordered from worship with sincerity intending it for Allāh.

So with this verse, it is nullified that any action could be rewarded without an intention, except for what is obligated by text or consensus.

With this it comes invalid to do anything without intention (niyyah) except if a naṣṣ or $ijm\bar{a}$ obliges it, becoming with that exceptions from this generality, just as what is established by transmitted $ijm\bar{a}$ to the Prophet regarding the possibility of a living person's supplication for a deceased person to benefit the deceased, such as the fast of a guardian for the deceased, charity on their behalf, performing Hajj on their behalf, settling debts to Allāh and people on their behalf, even if they did not order it or intend it. Likewise, the reward can reach every person who taught an action to others or established it, and the sin can also reach anyone who taught or established a sinful action.

The only thing that became obligatory by the <code>hadīth</code> that they mentioned that whoever performs an action with a certain intention will have what they intended. If they intended by it the sake of Allāh and fulfilling His order, they will have that, and they have fulfilled their obligation. If they intended something else, they will have what they intended. If they had no intention, their ruling is not derived merely from this <code>hadīth</code>, but their ruling is as we previously mentioned. And what is astonishing is that some of the proponents of <code>qiyās</code> used this <code>hadīth</code> as evidence, while they are people who abandon it the most.

As for the Ḥanafīs, they must surrender when they mention this $had\bar{\imath}th$ and use it as evidence, because they permit the performance of the obligatory fast without any intention at all, even with the intention of breaking it, and they allow performance of $wud\bar{u}$ without the intention of $wud\bar{u}$, and only with the intention of cooling off. All of them, along with the Shāfi s and Mālikīs, say that many of the obligations of Hajj, which invalidate the Hajj if not done, are valid without intention. The Hanafīs say that if someone enters $ihr\bar{a}m$ with the intention of performing a voluntary Hajj, it will suffice for the obligatory Hajj.



The Shāfi say that all the actions of *Ḥajj* except for *iḥrām* are valid without the intention of performing the obligation.

The Mālikīs say that standing at 'Arafah is valid without intention, and that fasting the last day of Ramaḍān is valid if an intention was made for it about thirty days prior.

And they say that a prayer is valid without an intention attached to it. Some of them say that *ghusl* for *jumu'ah* suffices for the ghusl of *janābah*. Others say that entering a public bath without an intention suffices for the bath of *janābah*.

With this hey invalidated their own argument using that $had\bar{\imath}th$ and declared their own saying false about $dal\bar{\imath}l$ al- $khit\bar{\imath}ab$, allowing acts without intention where Allāh and His Messenger = nullified them.

So they allowed it where Allāh and His Messenger invalidated them, and they were not satisfied till they nullified fasting on behalf of someone else, *Ḥajj* for the deceased, and the performance of debts owed to Allāh on their behalf, while Allāh has made it obligatory.

And they argue, "No action is valid without the intention of the doer and that the one on whose behalf the action is done has no intention in that."

So they attempted to rectify against their Lord what they did not rectify themselves, and this is the pinnacle of misguidance.

And they argue by what was narrated from 'Umar ibn al-Khaṭṭāb and Ya'lā ibn Munabbih when he asked about shortening the prayer after the fear had been lifted. They said that when shortening was mentioned in the Qur'ān in times of fear, it indicated that the matter was different when there was no fear.

One of our greatest companions, Abū al-Ḥasan 'Abd Allāh ibn Aḥmad ibn al-Mughallis al-Ṭāhirī, misunderstood this issue. He thought as we have mentioned, but there is no *ḥujjah* in it for them, because the original ruling on all prayers is to pray them fully as they are initially ordered.

The Messenger of Allāh stated the number of *rak* at for each prayer. Then, the exception of shortening the prayer in travel with fear came, becoming an exception from the generality.

When 'Umar saw the shortening of the prayer occurring even after the fear had subsided, he objected to turning away from the general rule he knew about praying the prayer completely, except in cases of fear. The Messenger of Allāh \cong then informed him that the case of any travel is also an exception from the obligation of praying the prayer completely, even in the absence of fear. This was an additional *naṣṣ* on the exception in the case of travel with safety.

As we clarified many times before, we do not reject that the companions were unaware of rulings.

As for the $had\bar{\imath}th$ narrated from 'A'ishah regarding the original obligation of the prayers³⁶⁵.

This is not a hujjah against us, but a hujjah for us. 'Umar might have assumed that as the prayer during residence was changed to four rak ' $\bar{a}t$ that travels in general were also changed. Mistakes after the Messenger of All $\bar{a}h$ are not raised for anyone.

Some of our companions, who misunderstood this issue, argued that the *ḥadīth* of Laqīt ibn Ṣabrah from the Prophet about avoiding excessiveness in rinsing the nose while fasting that it prohibits exaggerating rinsing except during the fast³⁶⁶.

The matter is not as they assume it to be. Rather, the <code>hadīth</code> of Laqīt obliges excessiveness in rinsing the nose for those not fasting as an obligatory act, but excludes the fasting person from this obligation.

So there is in it the obligation of excessiveness in rinsing for those other than the one fasting an obligatory fast, and there is in it the exception for the one fasting from its obligation, so its obligation falls from him. But an obligation falling does not imply that it becomes prohibited! There is in it the permissibility, not a prohibition nor an obligation, because a permissibility is an intermediate between the prohibition and the obligation.

Then if the obligation falls away, it does not move to prohibition unless there is an explicit prohibition, but it moves to the closest ranks to it, which are permissibility or recommendation. Similarly, when prohibition falls away, it does not move to obligation unless there is an order, but it moves to the closest ranks to it, which are permissibility or dislike. We have explained this in the chapter on abrogation in this book.

Some of our companions who erred in this chapter also said that the order of the Messenger of Allāh in the hadīth of Ṣafwān ibn 'Assāl al-Murādī, not to remove the traveler's socks for three days, implies that it is

³⁶⁵ Sahīh al-Bukhārī 350 1090, 3935

³⁶⁶ Sunan Abī Dāwūd 142, 143, 144



obligatory to remove them after three days, and an obligation for a resident to remove them after a day and a night. From this, they concluded that the one who wipes over the socks after the specified time must not pray until he removes his socks, but they do not with that oblige him to wash his feet or renew his ablution after that.

Abū Bakr ibn Dāwūd rejected this and was correct in his rejection. There is not in the mentioned *ḥadīth* the obligation of removing the socks nor does it prohibit their removal. It only prohibits an additional wiping. After the specified period has passed, one has the option either to remove the socks and pray without renewing ablution or washing the feet, or to keep them on and pray with the previous wiping, as long as his ablution is not invalidated. If his ablution becomes invalidated, wiping over the socks becomes prohibited, and with the prohibition of wiping, he is obliged to perform ablution, which by necessity includes washing the feet. And since the feet must be washed, there is no way to do so except by removing the socks, so removing them becomes obligatory at that point, but not before invalidating the ablution.

It has also reached us about some of our companions that they said regarding the statement of the Messenger of Allāh ## that, "Water is not made impure by anything," they say that anything other than water makes it impure.

This is nothing for many reasons. The first is that it is merely a claim without evidence. We also ask: What difference is there between you and someone who says that this is evidence that everything else is like water, in that it does not become impure? If they respond by saying, "This is $qiy\bar{a}s$, and $qiy\bar{a}s$ is false," we say to them: Is $qiy\bar{a}s$ not falsehood because it is a ruling without a nass? There is no other answer for them than a yes, then we say to them: And in that manner is your ruling, that everything other than water takes the opposite ruling, it is a ruling for which there is no nass, without difference.

And from that we say: Do you not see the saying of the Prophet, "Food for food, measure for measure." "House this prohibit the sale of anything other than food in measure for measure? Or his saying, "What a good condiment vinegar is," "House this imply that anything other than vinegar is a bad condiment? Or his saying, "If the water reaches two

³⁶⁷ Sahīh Muslim 1592

³⁶⁸ Sahīh Muslim 205

qullahs, it does not become impure"³⁶⁹—does this mean that water other than two *qullahs* must become impure? (the fact that water itself does not become impure if it is the amount of two *qullahs*, is the same as the fact that water itself never becomes impure). There are too many similar narrations.

And if they say, "There has come for other than what is mentioned in that narration, authentic narrations."

We say to them: There has also come narrations permitting things other than water by the saying of Allāh, "Eat from whatever is on earth permissible and good" [Al-Baqarah: 168].

So there is no way to prohibit anything from that except if there is text for it, and also not to declare impure anything that comes into contact with the impure except with text mentioned for it, there is no difference between the two.

They also argue, "There is *ijmā* among the people that if someone says to another, Do not give my servant a *dirham* until he performs such and-such a task, it implies that once the task is completed, the *dirham* must be given."

We say: This is false. If the one spoken to gives the *dirham* after the task is completed and the *dirham* belongs to the master, he is liable for it if it is lost and the recipient is not found. The evidence for this is that people unanimously agree that the person who is told this asks the commander, "Should I give him the *dirham* after the task is done or not?" If the order necessarily implied giving the *dirham* after the task, there would be no need for such clarification.

And also, the entire *ummah* agrees that if the one ordering says to the one that is ordered, "Do not give it to him until I find what you can do with it," that this is considered a proper and binding statement. And there is only in the mentioned phrase preventing giving the *dirham* before the task is done and it does not imply anything about giving or withholding it afterward. That is left to a new order, whether it be to withhold or to give.

If they mention the verse, "Fight those who do not believe in Allāh and the Last Day, and who do not forbid what Allāh and His Messenger have forbidden, and who do not follow the religion of truth, from those who were given the scripture, until they give the *jizyah* willingly while they are humbled" [At-Tawbah: 29].

³⁶⁹ Sunan Abī Dāwūd 63, 64



If they say about it, "Is not the giving of *jizyah* a preventative from fighting them?"

The answer: There is only in the verse, the order to fight them until the payment of *jizyah*, and after that, there is no prohibition of fighting them nor is there the obligation of fighting them. Only since the Messenger of Allāh said, "No one with a covenant is fought during his covenant." 370

And when he said to those he would send as commanders, "If they refuse, then ask them for *jizyah*. If they agree, then accept it from them and cease fighting against them." ³⁷¹

This is a clear statement from him for everyone he would send to the people of the Book in warfare. This is narrated by Abū Muḥammad, "'Abd Allāh ibn Yūsuf from Aḥmad ibn Fatḥ from 'Abd al-Wahhāb ibn 'Īsā from Aḥmad ibn Muḥammad from Aḥmad ibn 'Alī from Muslim, who said: "Abū Bakr ibn Abī Shaybah, Isḥāq ibn Rāhūyah, and 'Abd Allāh ibn Hāshim all narrated it to us. Abū Bakr said: Wakī' ibn al-Jarrāḥ narrated to us, and Isḥāq said, 'Yaḥyā ibn Ādam narrated to us, and 'Abd Allāh said, ''Abd al-Raḥmān ibn Mahdī narrated to us,' all from Sufyān al-Thawrī, from 'Alqamah ibn Murthad, from Sulaymān ibn Buraydah, from his father, from the Prophet.

When the Prophet stated this, he clarified that their blood, property, and oppression of them unjustly, as well as taking their women and children as captives, is prohibited by their payment of *jizyah* according to his clear words, "Cease fighting against them," this cessation necessitates all of this.

Many who argue against us using the mentioned points have forgotten themselves, for they claim that the Prophet's prohibition on selling crops before they ripen does not permit their sale even after they ripen but only after they are stalk that is trampled to be used as fodder for livestock. Selling crops after ripening is permissible, even if they are not sifted or trampled, based on the verse, "Allāh has permitted trade and forbidden usury" [Al-Baqarah: 275]. So nothing is excluded from this general ruling except what has been explicitly prohibited by text or *ijmā*.

This general ruling allows us selling dates after they have turned yellow and grapes after they have blackened, and fruits after they show signs of ripeness. This is not because these prohibitions inherently necessitate the

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³⁷⁰ Sunan Abī Dāwūd 4531

³⁷¹ Musnad Ahmad 23030, 38/137

permissibility of selling after the qualities mentioned in the prohibition appear.

And likewise we say about the saying of Allāh, "And eat and drink until the white thread of dawn becomes distinct to you from the black thread" [Al-Baqarah: 187].

Eating became only prohibited from when the *fajr* appears, only based on the previous order that eating, drinking, and intimacy were prohibited from the moment one sleeps until sunset the next day. This was abrogated, and intimacy, eating, and drinking were made permissible until the second *fajr* appears.

After this, the original prohibition remained in place, with specific texts forbidding all of these actions upon the second *fajr*. And by the statement of Allah, "Then complete the fasts until the night" [Al-Baqarah: 187].

If nothing else would be here except Allāh's statement, "until the white thread of dawn becomes distinct to you from the black thread [of night]" [Al-Baqarah: 187].

Then there would have been no order of fasting nor its prohibition.

And likewise is his saying, "I have been ordered to fight the people until they say, 'Lā Ilāha illa Allāh."

Fighting only became prohibited by his words, "If they say it, they have protection from me for their blood and property, except for its due rights."

And in this manner for all the texts mentioned. And by All $\bar{a}h$'s guidance.

We find the same understanding in the narration of his statement, "Whoever sells a palm tree after its pollination, the fruit belongs to the seller unless the buyer stipulates otherwise." 372

They claimed this indicates that trees which have not been pollinated must be different, and that the fruit belongs to the buyer.

This is not a *hujjah* for their claim, as we do not deduce from this mere *ḥadīth* that pollinated fruit belongs to the buyer. But since the fruit was pollinated but not yet apparent, it is considered part of the sale, as it is included within the roots of the sold palm, it is part of it.

³⁷² Sahīh al-Bukhārī 2716



After having clarified the falsehood of their assumption, we now will show you, with Allāh's will, their contradiction in this matter.

If you have judged that what is left unruled contrary to what is ruled, what do you say to the one who tells you, "Rather, what is left unruled here is in the same ruling as what is ruled, because of $qiy\bar{a}s$ to it?" So the fruit that has not been pollinated must be for the seller by $qiy\bar{a}s$ to the one that has been pollinated. Abū Ḥanīfa said that there is no difference between pollination and its absence. He forgot his own statement that the Messenger did not mention $s\bar{a}$ imah (grazing livestock) except because of the reason that it must be different from non-grazing livestock, and if it were not so, there would be no benefit in the $zak\bar{a}h$ of $s\bar{a}$ imah livestock. He made the mention in the narration of pollination by the Messenger here of no benefit, as he made it the same as the absence of pollination. So, the falsehood of these people became apparent as a whole, and with Allāh's assistance comes success.

Al-Ṭaḥāwī argued for the omission of the obligation of $zak\bar{a}h$ on what is obtained from land subject to $khar\bar{a}j$, based on the statement of the Messenger of Allāh, ""Iraq will withhold its $qaf\bar{\imath}z$ and its dirham." " 373 "

He says, "If there had been anything on *kharāj* land obligatory anything other than *kharāj*, the Messenger would have mentioned it."

It is said to al-Ṭaḥāwī, What if someone said to you: The statement of the Messenger, "That what is watered by the sky a tenth is obligatory," that is evidence that no *kharāj* is imposed on any land, for if there were *kharāj* on it, he would have mentioned it in this *ḥadīth*?

If he says, "He has mentioned $khar\bar{a}j$ in the $had\bar{\iota}th$ that we presented earlier," it is said to him: He also mentioned the tenth and half of the tenth in the $had\bar{\iota}th$ that was mentioned earlier.

If someone were to ask, "What do you say about a statement from Allāh or His Messenger ## that is conditional?"

It is said to him: It is examined as follows—was this statement preceded by a general ruling prohibiting what it permits or permitting what it prohibits? Or was it not preceded by such a ruling but rather by a general statement that encompasses it and others like it within the same *naṣṣ*? It must be one of these scenarios.

³⁷³ Sahīh Muslim 2896

³⁷⁴ Şahīh al-Bukhārī 1483

This is because the general statement in the words of Allāh: "He is the One who created for you everything on the earth" [Al-Baqarah: 29] is a general permission that excludes nothing except what has been explicitly specified as prohibited.

So every text must either include something in agreement with it or be an exception to it by way of prohibition. If we find that the incoming text is preceded by a contradictory general ruling, we exclude the text from that ruling while leaving the rest of the general ruling as it is. We prohibit only what that specific text prohibits, and we permit only what it permits without going beyond it.

If, however, the incoming text aligns with a preceding general ruling, we permit what the text permits and also what the encompassing general ruling permits for it and for others with it. Similarly, we prohibit what the text prohibits and also what the encompassing general ruling prohibits for it and for others with it.

We do not omit anything from the comprehensive general statement because of that condition. This principle reflects the natural understanding of language in all the tongues of humanity—both Arab and non-Arab—and no other approach is possible.

We have already explained this in the chapter on narrations in this book, addressing it through numerous examples. However, we must also clarify some aspects here to complete the explanation, by the will and strength of Allāh, for not everyone finds it easy to conceptualize the issues that we have elucidated. And success is from Allāh, the Exalted.

Our previous saying here, "A preceding statement," we do not mean with it here that it preceded it in the time of its revelation because that has no meaning for except with abrogations alone. Because other than the knowledge of that the Qur'ān and Sunnah are all for us like a single word, as if it was revealed together because of the obligation of obeying all of that upon us.

When we say "preceded," we mean it encompassed as a generality that address and others with it. But since we make that statement a preface by which text is made an exception from it or added to it to it for the purpose of clarifying it, we call it because of that, that it precedes.

From what we have mentioned is His statement, the Exalted: "And then if you do not find water, then seek clean earth" [Al-Mā'idah: 6].



The preceding general statement for this condition is His order to use water as an obligation in every case for whoever wants to pray the obligatory prayer or the supererogatory prayer. If he performs *tayammum* while having water and being healthy and does not use water, he is disobedient because he has not done what he is ordered to do and has not used what he was ordered to use to wash his limbs as mentioned in the verse on ablution and washing.

If he performs *tayammum* while having water and health but also uses water, he has overburdened himself with something he was not ordered to do. The one who overburdens himself with that, if he is free from sin, is not free from excess and poor choice. Allāh, the Exalted, ordered the to say, "Say, 'I do not ask of you for it any reward, nor am I of the *mutakallifīn*" [Ṣād: 86].

If he believes in the obligation of *tayammum* while also using water in a state of health and with water available, he is disobedient and a $k\bar{a}fir$ because of his belief in something that there is no disagreement about that he was not ordered to do, which is an addition to the religion and a transgression of the limits set by Allāh, the Exalted.

Since all these arguments are invalidated, there remains only the use of *Tayammum* in the absence of water that can be accessed during travel or in illness.

The same applies to His statement, the Exalted: "And whoever among you cannot find a way to marry chaste believing women... That is for those of you who fear that they may commit sin. And to be patient is better for you" [An-Nisā': 25].

So we look into this to see if we can find a preceding general statement permitting the marriage of believing women through marriage. We find before it a connected mention of what Allāh has prohibited from women in His statement: "Prohibited for you are your mothers... And those chaste (muḥṣanah) from the women, except what your right hand possesses" [An-Nisā': 24].

So Allāh has prohibited through this text every *muḥṣanah*. *Al-Iḥṣān* has two meanings including chastity (*'iffah*), marriage, and freedom.

So, it is not permissible for us to use the word ' $muh\bar{s}an\bar{a}t$ ' only with some of its meanings without everything by the certain decisive evidences we mentioned in the chapter on ' $um\bar{u}m$.

So He prohibited with His statement, "And the *muḥṣanāt* among the women," every 'afīfah whether a slave or free woman, and every free woman and everyone who is married.

And He prohibited the fornicators from among both slaves and free women by His statement: "The fornicator does not marry except a [female] fornicator or polytheist, and none marries her except a fornicator1 or a polytheist, and that [i.e., marriage to such persons] has been made unlawful to the believer" [An-Nūr: 3].

So He has prohibited every woman on earth by these two texts except for what is excluded from that by a *naṣṣ* or *ijmā*. Then Allāh, the Exalted, said, connected to the aforementioned prohibition, without delaying the clarification of His intent: "Except for what your right hand possesses" [An-Nisā: 24].

So Allāh has permitted what He willed from what our right hands possess, and there is no permission for marriage in this. Then Allāh provided further clarification by saying: "And it is permissible for you what is beyond that, provided that you seek them with your wealth, chaste and not committing adultery" [An-Nisā': 24].

Then Allāh also made an exception for marriage by the mentioned permission.

And such cases are abundant, but to keep the speech concise and the objective clear, Allāh said, "He created for you all that is on the earth" [Al-Baqarah: 29].

If this verse was left on its apparent, then everything All Allāh created on the earth is permissible for us. However, Allāh has forbidden certain things that are on the earth, making them exceptions from the general permission.

Such as his saying, "Tell the believing men to lower their gaze and guard their private parts" [An-Nūr: 30].

And his saying, "Tell the believing women to lower their gaze and guard their private parts" [An-Nūr: 31].

This with the verse we recited before, in the $\bar{a}yah$ of al-tahr $\bar{t}m$, "And the muhsan $\bar{a}t$ among the women" [An-Nis \bar{a} ': 24].

If we were to leave these two texts on their apparent, all women would be prohibited and be excluded from the general permissibility of everything on earth. Then Allāh says, "And those who guard their private parts except from their wives or those their right hands possess, for then they



are free of blame. But whoever seeks beyond that, they are the transgressors" [Al-Mu'minūn: 5-7].

So Allāh excluded wives and those rightfully possessed (by slavery) from the general prohibition of women. If we were to leave this verse, it would indicate that all women altogether are permissible by either marriage or rightful possession only, not by fornication, they are allowed whether they be mothers, daughters, or close female relatives. Since married and enslaved women are part of the women in general, this verse goes along with His statement, "Then marry as you want from the women" [An-Nisā': 3].

And the saying of Allāh, "And marry the unmarried among you and the righteous among your male slaves and female slaves" [An-Nūr: 32].

There is no difference between any of these verses.

Then He says, "Prohibited for you are your mothers and your daughters... And that you take two sisters simultaneously" [An-Nisā': 23].

And He says, "And do not marry those [women] whom your fathers married" [An-Nisā': 22].

And He says, "And do not marry polytheistic women until they believe" [Al-Baqarah: 221].

And He says, "And do not marry polytheistic men until they believe" [Al-Baqarah: 221].

And the Prophet $\stackrel{\text{def}}{=}$ prohibited combining a woman with her paternal aunt or maternal aunt in marriage and prohibited the woman through suckling $(rad\bar{a}\,\hat{a}h)$, what is prohibited what is through the blood relations. And he prohibited the actions of the people of Lūt, and marrying a fornicatress and then also marrying the fornicator, and marriage to fornicators among Muslim women.

Then he also prohibited by $ijm\bar{a}$ and text the verse, "Then marry as you want from the women... If you fear that you will not be just then one" [An-Nisā': 3], along with the prohibition of bestiality and marriage to polytheists based on $dal\bar{\imath}l$ of the nass.

So all of what we mentioned are exceptions to the permissibility of marriage and slaves.

Because what is mentioned in these $nus\bar{u}s$ is the least amount of what is mentioned in the verse of permissibility of wives and right-hand possessions.

Allāh says, "This day [all] good foods have been made permissible for you... And the *muḥṣanāt* women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation" [Al-Mā'idah: 5].

Then Allāh made an exception for the women of the People of the Book by way of marriage only, whether they are enslaved or free.

Then the enslaved women of the People of the Book remain upon prohibition for intercourse by slavery, by His saying, "Do not have *nikāḥ* with the disbelieving women till they believe" [Al-Baqarah: 221]. There has no *naṣṣ* come to allow it.

Then we look into the verse, "And whoever among you cannot afford to marry free, believing women, then from what your right hands possess of your believing girls" [An-Nisā': 25].

Then we find that Allāh, the Most High, only mentioned in this verse the permissibility of marrying female slaves for the one who cannot find the means and fears hardship.

Then the (unknown) ruling remains on the one that can find the means and does not fear hardship, but we do not find that Allāh, the Most High, mentioned in this verse either permission or prohibition about this.

So we return back to other verses and find that Allāh, the Most High, has indeed permitted marriage to believing slave women for every Muslim, without specifying between the poor and the rich, or between the one who has a free woman and the one who does not, in His saying: "And marry those among you who are single and the righteous of your male and female slaves" [An-Nūr: 32].

So it is permissible for a slave to marry a free woman or a slave woman, and it is likewise permissible for a free man to do so, without difference.

And likewise, the marriage of a *Kitābiyyah* slave woman to a Muslim is permissible by His saying, "And the *muḥsanāt* from among those who were given the Scripture before you, when you have given them their due compensation" [Al-Mā'idah: 5].

This is also the view of 'Uthman al-Battī and others.

The astonishing thing is about the Ḥanafīs, who prohibit $zak\bar{a}t$ for non-grazing livestock based on the Prophet **'s mention of grazing livestock in the <code>hadīth</code> of Anas but allow here the marriage of a believing slave woman

to the one who has means to marry a free Muslim woman. Do they not ask themselves about the benefit in His saying, "And whoever among you cannot afford to marry free, believing women, then from what your right hands possess of your believing girls" [An-Nisā': 25].

In the exact same manner, they ask about the benefit in the mention of grazing livestock, but this is how it is with the one who follows his $ra \, \bar{\imath}$, $qiy\bar{a}s$, and misleading desires.

And what is astonishing about the Mālikīs, is them reversing this. They said that the saying of the Prophet $\frac{1}{2}$ regarding grazing livestock $(s\bar{a}'\bar{\imath}m\bar{a}h)$ does not necessitate dropping $zak\bar{a}h$ from non-grazing livestock, and they say here that Allāh's mention of the one unable to find the means and a believing slave woman necessitates the prohibition of a $Kit\bar{a}b\bar{\imath}yyah$ slave woman, and yet, at the same time, they permit the believing slave woman for the one who has means.

Both groups contradict themselves, as you can see. Some of them prohibited the marriage of a believing slave woman to one who has means to a *Kitābīyyah* free woman, and this is not in the text of the verse at all. Rather, those who prohibited this did so by *qiyās*, comparing a *Kitābīyyah* woman to a Muslim woman. But Allāh, the Most High, has declared false this corrupt *qiyās* in His saying, "Shall We treat those who submit like We treat the criminals? What is [the matter] with you? How do you judge?" [Al-Qalam: 35-36].

So if *qiyās* would be valid, it would be false here. And if they made a *qiyās* between the one who has means to marry a *Kitābīyyah* free woman and the one who has means to marry a Muslim free woman, and Allāh only mentioned the one who has means for the Muslim free woman, why did they not do the same and make a *qiyās* for the permissibility of marrying a *Kitābīyyah* slave woman for the one who lacks means and fears hardship, just as they did for the believing slave woman?

This is one of the many matters in which they abandoned *dalīl al-khitāb* because, based on their own principle, they are implied to say that Allāh's mention of "*muḥṣanāt*" is evidence that non-believing women are different. But most of them do not say this, by that contradicting their own principle regarding *dalīl al-khiṭāb*.

And while we agree with Abū Ḥanīfah in some of his sayings here, we do not deny our agreement with our opponents in these issues. Both the

correct and the mistaken can follow the same path in seeking the truth: one does so through effort, research, and certain knowledge, while the other does so through effort, research, and coincidence. It is not unlikely that the Merciful, Compassionate Allāh, the Most High, will lead them to the sought objective, even if they struggle on the way toward it.

Yet, despite this, they impose rulings without any evidence at all, saying, "Whoever has a free woman, it is forbidden for him to marry a slave woman." This is a statement for which there is no text obliging it at all.

Our position on this matter is the same as that of 'Uthmān al-Battī and others. It has been narrated from Mālik that he allowed the marriage of a slave woman along with a free woman if the free woman consents. Abū Ḥanīfah and his companions permitted the marriage of a Muslim woman and a *Kitābīyyah* woman (Jewish or Christian) for a man who has the means to marry a free Muslim woman, even if he does not fear hardship, provided that he does not already have a free woman.

From what we have mentioned, it is clear that Allāh, the Most High, has made permissible the free women of the People of the Book and their slave women for marriage. But those among them who are captives remain prohibited (intercourse), by the certain evidences we mentioned for this in the chapter on narrations in this book of ours.

It is said to them: You have prohibited the marriage of the $Kit\bar{a}b\bar{i}yyah$ slave woman, claiming that she is not like the Muslim slave woman, and you made a $qiy\bar{a}s$ between them. Yet, you have contradicted yourselves by permitting the marriage of a $Kit\bar{a}b\bar{\imath}$ free woman to someone who has the means to marry a free Muslim woman, even if he does not fear hardship, while prohibiting him from marrying a Muslim slave woman.

Some of them even claimed that if a man has the means to marry a $Kit\bar{a}b\bar{\iota}$ free woman, it is not permissible for him to marry a Muslim slave woman, and that a free $Kit\bar{a}b\bar{\iota}$ must not be killed for killing a Muslim slave.

There is no disagreement among the Muslims in the Ummah that a Muslim slave woman is better in the sight of Allāh and in the sight of every Muslim than any free $Kit\bar{a}b\bar{\iota}$ woman, whether in this world or until the Day of Resurrection.

If they argue, "Then what is the meaning or benefit of Allāh, the Most High, specifying in the verse mentioned earlier, the one who lacks means, fears hardship, and mentions the chaste believing woman and the believing



slave woman, if the one who has means and does not fear hardship and the $Kit\bar{a}b\bar{t}$ slave woman, and the chaste disbeliever are all equal in this matter?"

This question is one of disbelief. Allāh, the Most High, has mentioned in some verses we recited in others and that was not a contradiction, has said: "O you who have believed, obey Allāh and obey the Messenger" [An-Nisā': 59].

Specifying "Those who believe" in this verse does not mean that obedience to Allāh does not apply to the disbelievers. It is binding upon the disbelievers just as it is binding upon the believers, and there is no difference. We have discussed examples of this in the section on narrations and the narration on 'umūm in this book of ours.

Likewise, Allāh, the Most High, has said, "But if you fear that you will not be just, then one or those your right hands possess" [An-Nisā': 3].

They all agree with us that whoever does not fear injustice is permitted to marry only one wife or to take what his right hand possesses, so here they have abandoned their position on *dalīl ul-khiṭāb*. They are implied not to allow marrying one except for the one who fears injustice.

If they claim, "But there is *ijmā* on this."

It is said to them: You have acknowledged that $ijm\bar{a}$ has established the invalidity of $dal\bar{\imath}l$ ul- $khit\bar{a}b$.

And it is said to them: Ask yourselves here, what is the benefit or meaning of Allāh, the Most High, mentioning the one who fears injustice, just as you asked us what is the benefit or meaning of Allāh, the Most High, mentioning the one who fears hardship and lacks means. This is something inescapable, praise be to Allāh.

If they argue, "Why do you not say the same, about the verse, 'And whoever cannot find [or afford it] - then a fast of three days' [Al-Baqarah: 196], And the verse, 'And whoever cannot find [or afford it] - then a fast of three days during hajj' [2196], And His saying: 'And whoever does not find [a slave or cannot afford to buy one] - then [instead], a fast for two consecutive months' [An-Nisā': 92]. So do you then obligate fasting for the one who finds the slave and the offering?"

We say: No, it is not the same. The *aṣl* is that no fasting is obligatory on us at all except if it is specifically obliged by a text, just as the *aṣl* is the permissibility of marrying slave women, as in the verse, "And chaste women

from among those who were given the Scripture before you" [Al-Mā'idah: 5].

And the verse: "And marry the unmarried among you and the righteous among your male slaves and female slaves" [An-Nūr: 32].

We do make fasting obligatory except where the text obliged it, and we permit marriage in both verses because they are both texts, and obedience to them is obligatory.

Also, the ruling of the one who finds a slave for expiation of intercourse, the one who finds a sacrifice from the $had\bar{\iota}$ for $Tamatt\iota$, the one who finds wealth for feeding, clothing, and freeing a slave for the expiation of an oath, are all explicitly, specifically mentioned as obligations for them. So, if he were to fast, he would be disobedient to Allāh, abandoning what is obligatory upon him.

This is not the case with the one who finds the means and fears distress, as there is no text prohibiting him from marrying slave women, neither in a text nor by $ijm\bar{a}$. So there is a great difference between the two matters.

Some, like Abū Yūsuf, have gone to the extent of prohibiting the prayer of fear based because of the verse, "And when you are among them and lead them in prayer" [An-Nisā': 102].

He said, "This indicates that if the Prophet s is not among us, we do not pray like that."

The first thing that this implies is that then the leaders do no take $Zak\bar{a}h$ from anyone, because Allāh * said, "Take, [O Muḥammad], from their wealth a sadaqah by which you purify them" [At-Tawbah: 103].

Only the Prophet ** was addressed just as he was addressed to teach how to pray the prayer of fear without difference. So his contradiction becomes apparent.

Also, the statement of the Prophet \cong : "Pray as you have seen me pray" obliges us to pray the prayer of fear and other prayers as he \cong prayed them.

Likewise, his \cong saying, "Please your *zakah* collectors" and also the saying of the Prophet, "Whoever is asked for it $(Zak\bar{a}h)$ in its due manner must give it, and whoever is asked for more than that must not give it."

This obliges the collection of $Zak\bar{a}h$ by sending collectors. And by the grace of Allāh, success is from Him.



Section: Every Word That Has Come With A Negation Followed By An Exception From That By The Word 'Illā' (Except), Or The Word 'Ḥattā' (Until), It Does Not Apply Except To What Is Attached To It

Every word that has come with a negation followed by an exception from that by the word ' $ill\bar{a}$ ' or the word ' $hatt\bar{a}$ ' it (the conclusion) does not apply except by the result of that. Such as the saying of the Messenger of Allāh , "The prayer of one who has broken wind is not accepted until ($hatt\bar{a}$) he performs ablution," and likewise, "There is no prayer except ($ill\bar{a}$) with the umm al-Qur'ān," and likewise, "There is no amputation (of the hand) except for a quarter of a $d\bar{n}n\bar{a}r$ and above." This is what is understood from the address by the necessity. Because he negated the acceptance of prayer until ablution is performed, and its acceptance is obligatory after ablution by the verse, "O you who have believed, when you rise to [perform] prayer..." [Al-Mā'idah: 6].

And by the *ḥadīth*: "Whoever performs ablution as it is ordered."³⁷⁵
And he negated the prayer except with *Umm al-Qur'ān*, and affirmed it with *Umm al-Qur'ān*. Because there is no other option than that every prayer must either include *Umm al-Qur'ān* or not have it, and there is no third option by any means.

And prayer is obligatory, so since prayer is obligatory, and there is no other option than either $Umm\ al\-Qur\ \bar{a}n$ or leaving it, then whoever does not recite it is not considered praying, and whoever recites it is considered to be praying.

 $^{^{375}}$ Al-Mujtabā by Al-Nasā'ī 1/90-91 Al-Sunan al-Kubrā 140, 1/94

And it is obligatory for every adult Muslim to pray as ordered, and it is then obligatory for him to recite $Umm\ al\ Qur\ \tilde{a}n$. This is a definitive certain and necessary evidence.

And the Messenger of Allāh said: "May Allāh curse the thief who steals an egg, so his hand is cut off, or steals a rope, so his hand is cut off."

And the Ummah has agreed that the $had\bar{\imath}th$ of the quarter $d\bar{\imath}n\bar{a}r$ does not indicate to invalidate cutting in anything other than gold.

So we are obliged to act upon the generality of the verse, so only the thief who steals less than a quarter $d\bar{\imath}n\bar{a}r$ of gold is excluded. Whoever steals less than a quarter $d\bar{\imath}n\bar{a}r$ of gold, there is no cutting for him, and whoever steals anything other than gold, whether it is small or large, whatever has value, no matter how little, his hand is cut by the verse and the $had\bar{\imath}th$ in which the Messenger of Allāh a cursed the thief.

Whoever rejects this only seeks in saying that the statement of the Prophet $\frac{1}{2}$ regarding the quarter $d\bar{n}d\bar{n}$ only means anything above the value similar to the value of a quarter of a $d\bar{n}d\bar{n}$.

This is a claim with no evidence, and anyone who thinks that the Prophet overlooked something that this critic realized has made a grave mistake.

Allāh said, "And your Lord is never forgetful" [Maryam: 64].

What could prevent the Messenger of Allāh # from saying, "There is no cutting except for the value of a quarter $d\bar{n}a\bar{r}$ and above," thereby clarifying the matter for us, when his Lord, the Exalted, commanded him to clarify. What they have attributed to the Messenger of Allāh #—that he intended the value and did not clarify it—is nothing but deception, not clarification.

Allāh the Exalted has protected us from that.

The *ḥadīth* in which the value is mentioned, there is not in it clarification that the cutting is because of the value, so it is not for anyone to

claim that the valuation was for the purpose of cutting, except that another person can say, "It was only to make the stealer pay back what he stole."

Then, this was not enough falsehood for them till they attributed to the one whom his Lord, the Exalted, described as being kind and merciful to us (the Prophet) and who found grievous what distressed us. They claim the Prophet increased the confusion by saying, "May Allāh curse the thief who steals an egg, so his hand is cut off."

They claim that this only means an iron egg used in battle, or that he $\stackrel{\text{\tiny\#}}{=}$ intended a decorated rope worth a quarter $d\bar{\imath}n\bar{a}r$.

While these are weak claims free from evidence, but they are also invalid because the Prophet did not intend with this to excuse the thief. How could he intend to excuse him while he curses him? Rather, the Prophet meant to emphasize the thief's despicability and lowliness, that he allows his hand for something as trivial as an egg or a rope. This is something that cannot be understood otherwise.

And they have numerous of such weak things which they attribute to the intention of Allāh with rulings and they exalt themselves from the likes of that.

Such as what they attribute to the verse regarding the *waṣiyyah* while traveling, "Or two others from other than you" [Al-Mā'idah: 10].

They claim, "From other than you," here means "From other than your tribe," it is impossible for someone with the least amount of knowledge of the language and speech to attribute this to our speech, then let alone it to the Creator of speech and clarity, there is no one worthy of worship in truth but Him.

Another example is what some Mālikīs claim about the *ḥadīth* in which the Prophet ## told the man who proposed to a woman but had nothing with him, "Seek [something to give her], even if it is just an iron ring."

They claim, "Prophet $\stackrel{\text{\tiny{def}}}{=}$ meant a beautifully decorated ring worth a quarter $d\bar{n}n\bar{a}r$."

And this is while they hear in that narration the man's words that he owned nothing except his garment, and that he is incapable of any means. Then the Messenger of All $\bar{a}h$ says to him, "Even [bring] an iron ring." How can anyone with any 'aql believe that the Messenger of All $\bar{a}h$ would demand such a person, with these conditions, to bring a finely crafted ring worth a quarter of a *mithq\bar{a}l* amount of gold?

And this is alongside the lie against the Messenger of Allāh and fabrication about him, this is an obvious falsehood, because the price of iron in Madīnah, from which their tools for working with palm trees and their shields for combat were made, had not reached the point where a ring made of it could be worth its weight in gold. If a naive, locked woman at home had said such a thing, it would be laughed at. And by Allāh, the Almighty, we seek help.

Some of the Ḥanafīs objected to the statement of the Prophet $\stackrel{\text{def}}{=}$, "There is no cutting except for a quarter of a $d\bar{\imath}n\bar{a}r$ and above." They claim, "This wording does not oblige cutting for a quarter $d\bar{\imath}n\bar{a}r$."

The answer: This is something no one with the least amount of $\hbar ay\bar{a}$ has the audacity and impudence to utter such.

It is like someone saying, "Forbidden to you are dead animals" [Al-Mā'idah: 3], claiming that this statement does not imply prohibition or prevention.

And whoever says, regarding such things, that this statement of the Prophet does not oblige cutting for a quarter $d\bar{n}a\bar{r}$ and that the statement, "There is no prayer except with the recitation of umm ul-Qur'ān," does not oblige recitation. Then, he goes on to say that orders are not obligatory and are only recommendations. Then, he claims that the texts are $khus\bar{u}s$ and that the speech is not taken from the apparent.

Then, he abandons the text and does not judge by it, and instead comes to new issues for which there is no text, prohibiting and permitting them based on his own ra $\bar{\imath}$. We do not know anyone, not even al-Ḥallāj or the extreme $Raw\bar{a}fid$, who is attempting more to plan against Islām than such a person.

As for the ignorant, they are excused; but for the one upon whom the *hujjah* has been established and persists, he is a sinner without a doubt. He will face what he deserves and will see, and there is no success except by Allāh.

And if someone argues that this is similar to the statement of the Prophet $\stackrel{\text{def}}{=}$, "There is no $\bar{t}m\bar{a}n$ for the one who has no $am\bar{a}nah$." 376

It is said to him: This is only understood from the apparent. Yes, there is no $\bar{t}m\bar{a}n$ at all for the one who has no trustworthiness, and it is not permissible to specify to a certain $am\bar{a}nah$ without others. Islām is the

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³⁷⁶ Musnad Ahmad 3/135-154, 3/251



 $am\bar{a}nah$ that Allāh the Exalted offered to the heavens and the earth, and accepting the rulings is part of it. Whoever lacks this $am\bar{a}nah$, which is one of the $am\bar{a}nah$ which is some of the $am\bar{a}n\bar{a}t$ has no $\bar{\imath}m\bar{a}n$. The one about whom it is said, "He has no $\bar{\imath}m\bar{a}n$," then it is about all $am\bar{a}nahs$ not on only some.

As for the statement of the Prophet $\stackrel{\text{def}}{=}$, "The one whose neighbor is not safe from his harm does not have $\bar{\imath}m\bar{a}n$."

We say likewise, that the blamed action is not $\bar{\imath}m\bar{a}n$ because $\bar{\imath}m\bar{a}n$ encompasses all acts of obedience in general. When someone commits a sin, that action is not $\bar{\imath}m\bar{a}n$. So if they do not perform actions of $\bar{\imath}m\bar{a}n$, then they do not have $\bar{\imath}m\bar{a}n$ meaning in abandoning that specific action, while they have $\bar{\imath}m\bar{a}n$ in other actions of obedience. We have clarified this in Al-Faşl where we clarified that $\bar{\imath}m\bar{a}n$ is all acts of obedience and that $\bar{\imath}m\bar{a}n$ in Allāh alone is not only $tawh\bar{\imath}d$.

So the meaning of, "He has no $\bar{\imath}m\bar{a}n$," means the absence of obedience. Likewise, if someone disobeys, they are not obedient, and if they are not obedient, they do not have $\bar{\imath}m\bar{a}n$ in that specific act.

And we are not implied that if they do not have $\bar{\imath}m\bar{a}n$ in some instances, that they are infidels, nor does it mean they do not have $\bar{\imath}m\bar{a}n$ in all other cases. Instead, if someone disobeys, they do not have $\bar{\imath}m\bar{a}n$ in the matter they disobeyed, but have $\bar{\imath}m\bar{a}n$ in what they obeyed.

If someone says, "This implies that you say he has no $\bar{\imath}m\bar{a}n$ and has $\bar{\imath}m\bar{a}n$ at the same time?"

We say: Yes, he has $\bar{\imath}m\bar{a}n$ in what he has $\bar{\imath}m\bar{a}n$ in and does not have $\bar{\imath}m\bar{a}n$ in what he has no $\bar{\imath}m\bar{a}n$ in. This is something known necessarily. We do not say that he is a mu'min but also not a mu'min as a generality. In the exact same manner our opponents are implied about the one who does good and bad deeds—there is no difference.

And if they say, "Someone who does good in one area and bad in another is a sinner in the area where they did wrong and obedient in the area where they did right, does it mean you must say they are both a sinner and obedient (*muhsin*)?"

We say: Yes, we do not reject this if it is from two aspects are different, nor do we blame anyone for this.

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³⁷⁷ Musnad Ahmad 1/287-288

As for those who say, "There is no *ṣalāh* for one who does not recite" and "There is no fasting for one who does not intend it at night." And if they say, "Its meaning is only that the prayer is not complete."

Then this is a claim without evidence. And, if their statement would be correct, it would be against them, not for them, because if the salah is not complete, it is only a partial salah. And a partial salah is not accepted if not completed, just as a partial fast of a day is not accepted until the day is completed.

If they say, "It is a complete $sal\bar{a}h$ but that other $sal\bar{a}hs$ are more complete than it."

This is deception, because when $sal\bar{a}h$ is completed with all its obligations, there is no $sal\bar{a}h$ more complete in the aspect of being a $sal\bar{a}h$, while its recitation or length might increase. Leaving such recitation does not harm, and $sal\bar{a}h$ is not called incomplete for not including it.

Allāh ordered the completion of fasting and the establishment of salah. Whoever does not establish it or complete their fast has not prayed or fasted they did not do it as it is ordered.

They only did what was not ordered, and the incomplete is not the same as the complete. The Prophet said, "Whoever does an act that is not according to our order, it is rejected."

This principle applies not only to the establishment of salah and the completion of fasting but to everything brought by the $Shar\bar{\iota}'ah$ that was added at any time.

And from the strangest of astonishments is that a group do not invalidate $sal\bar{a}h$ with what the Prophet invalidated it, such as not reciting Al-Fātiḥah, not maintaining the proper position of the body in bowing and prostration, or improper arrangement of the rows, yet they invalidate $sal\bar{a}h$ based on what neither Allāh nor His Messenger invalidated it with, such as the $sal\bar{a}h$ standing on a higher level than the followers or the difference in intention between the $sal\bar{a}h$ and followers.

Then they do similar in fasting: they do not invalidate fasting based on what Allāh invalidated it, such as not having the intention each night or engaging in backbiting and lying, but they invalidate the fast based on what Allāh did not invalidate it, such as eating forgetfully, using an enema, or applying medicinal kohl. So they reverse the religion as you can see, prohibiting what is permissible and permitting what is prohibited. We seek



refuge in Allāh from misguidance, and we ask Him for guidance. There is no one worthy of worship in truth except Him.

And likewise regarding the *ḥadīth* of Abū Dharr concerning the one that walks in front of the *ṣalāh*. He mentioned the black dog and that he asked the Prophet about the distinction between the black dog and the red, yellow, or white ones. The Prophet replied, "The black dog is a devil." ³⁷⁸

This $had\bar{\imath}th$ alone does not imply that other dogs do not invalidate the $sal\bar{a}h$, nor does it indicate that it does.

And as the $had\bar{\imath}th$ of Abū Hurayrah came from the Prophet #, "The $sal\bar{\imath}ah$ is invalidated by a woman, a donkey, and a dog," it applied to all dogs. This is also the view of Anas, Ibn 'Abbās, and others".

And those who deny this among the Shāfiʿīs and Mālikīs, let them reflect on their own positions regarding the Prophet *s statement, "Whoever seeks the loyalty of a man without the permission of his masters." 381

This implies them to permit seeking loyalty from others with the master's permission, which is the view of 'Aṭā' and others. They reject this, and in this manner they have many contradictions.

³⁷⁸ Sahīh Muslim 510

³⁷⁹ Sahīh Muslim 511

³⁸⁰ Al-Musannaf by ibn Abī Shaybah 1/252

³⁸¹ Sahīh al-Bukhārī 1771

Section: The Falsehood Of Their Claims About Dalīl Al-Khiṭāb

And what is understood of speech when an emphasis is mentioned, is that it removes ambiguity and prevents anyone from thinking that the words do not apply generally.

A group has gone astray concerning Allāh's saying, "Then all the angels prostrated, every one of them" [Ṣād: 73].

They said, "The bearers of the Throne and those absent from that scene did not prostrate."

What is sufficient for this insanity is Allāh's statement, "I did not make them witness the creation of the heavens and the earth nor the creation of themselves, and I would not take the misguiders as helpers" [Al-Kahf: 51].

How could they allow themselves to say that some of the angels did not prostrate when Allāh said, "Every one of them, except Iblīs." [Al-Ḥijr: 30-31]?

This kind of audacity makes others think badly of the one saying such as there is nothing in it except rejection of Allāh's statement with mere conjecture.

One of the Shāfiʿīs attempted to argue that Allāh's statement, "For whoever is able to find a way there" [Āl ʿImrān: 97]. After the saying of Allāh, "And [due] to Allāh from the people is a pilgrimage to the House" [Āl ʿImrān: 97]. They say that whoever is able to find a way means, "That is not a clarification for those that are obliged *ḥajj*, nor does it go in accordance with the verse, 'Allāh does not burden a soul beyond its capacity' [Al-Baqarah: 286]. This is a speech that is a different benefit implying that ability is not tied to physical strength."

We do not deny that ability can be something other than physical strength of the body, but we say that ability includes anything that enables one to perform *ḥajj*, such as provisions and transportation, as well as physical strength. We do not say as the Mālikīs who say that ability is only physical



strength and that if someone lacks it but has provisions and transportation, they are ruled among those unable to perform the *ḥajj*. Nor do we agree with the Shāfi'īs who say that ability is only provisions and transportation, and that physical strength is not part of ability.

We instead say that physical strength without provisions, property and transportation is still an ability, and if one has provisions and transportation, but is paralyzed in his feet and hands and is blind, they are still among those who have the ability by taking the generality of the verse, and narration about the Prophet of the woman from the tribe of Khath and Allāh's statement, "They will come to you on foot and on every lean camel; they will come from every distant pass" [Al-Ḥajj: 27].

We have already clarified that when the Prophet is asked about something, his answer is the generality of his words, not specified to the question itself. He is only sent as a teacher, so his teaching applies to everything he mentions, so there is no difference between him beginning an order and him teaching and clarifying his answer what he was asked about and informing what he was not asked about as well.

If someone says, "Then take the saying of the Prophet $\stackrel{\text{deg}}{=}$, 'The income/benefit is tied to responsibility,'³⁸² upon generality, and then give the benefit to one having stolen $(gh\bar{a}sib)$ due to his responsibility."

It is said to him: This narration is not a *ḥujjah* beaause it has come from Makhlad ibn Khufāf and Muslim ibn Khālid al-Zanjī, and both of them are not strong in *ḥadīth*. And also, even if it would be authentic, then the authentic statement of the Messenger , "There is not for the wrongdoer's roots any right," prevents applying the *ḥadīth* to the one stealing.

The narration was given to us by Abū Muḥammad, "'Abdullāh ibn Rabī' al-Tamīmī from Muḥammad ibn Isḥāq, from Ibn al-A'rābī, from Sulaymān ibn al-Ash'ath, who reported from Muḥammad ibn al-Muthannā, from 'Abd al-Wahhāb (al-Thaqafī), from Ayyūb (al-Sakhtiyānī), from Hishām ibn 'Urwah, from his father, from Sa'īd ibn Zayd, from the Messenger of Allāh ﷺ."

So this narration specifies oppressors from the generality of those who are entitled to gains through responsibility, and also the saying of Allāh, "And do not consume each other's wealth unjustly" [Al-Baqarah: 188].

³⁸² Sunan Abī Dāwūd 3508-3510

³⁸³ Sunan Abī Dāwūd 3073

Prohibits from consuming wealth without right, entirely and generally.

The Messenger was ordered to clarify, and every word of him , whether in response or otherwise, is taken upon its generality. And if he does not give it generality for other than what he is asked about, then it is not applied to other than that, such as when the Prophet gave a ruling about intercourse during Ramaḍān with *kaffārah* so it is obligatory not to apply it to other the one having intercourse, as there is nothing in his wording that necessitates associating the one having intercourse, with the one that does not have intercourse together in this ruling.

And likewise, when he ordered the one who performed the prayer bad (*musi'*) or the one who prayed behind the rows to repeat the prayer, this ruling applies to anyone who does the same act, and he ruled that action whenever it occurs.

And the order of the Prophet $\stackrel{\text{def}}{=}$ to muhrim who died, this order applies to any deceased in the state of $ihr\bar{a}m$.

Or when the Messenger # mentions about the Sacred Mosques a ruling about the Sacred Mosques, nothing else shares this ruling, as there is no other Sacred Mosque besides it.

There is not for every word except what it necessitates and what is understood from it only.

And likewise is, his $\frac{1}{2}$ saying, "The *a'immah* are from Quraysh," is a ruling for Quaysh, not shared by other than them, nor does it mean that it is only some among Quraysh without others, except what $ijm\bar{a}$ prevents such as excluding women, the insane, or those who have not reached maturity.

Likewise, the love for the Anṣār is a merit that belongs to all the Anṣār without transgressing it beyond them, nor is it confined to only some of the Anṣār without all.

The same applies to the kinship ties $(dh\bar{u} \ al-qurb\bar{a})$, the merit of Abū Bakr, and likewise, the merit of 'Alī, it is not shared by anyone else, because the judgment is based on the names. For every name applies solely to the one it refers to and is not transferred to anyone else, nor can it be replaced by anything else, nor is it restricted to some aspects of its meaning without others, or to certain situations without others.



Section: Invalidating Their Claims About *Dalīl al-Khitāb*

With the aid of our Creator, we have thoroughly addressed all of their arguments and resolved their doubts entirely. We will now present the certain decisive evidences refuting their claims, by the will of Allāh, and there is no power or strength except through Allāh, the Most High, the Great.

They are asked: What do you say regarding Allāh's \$ statement, "And do not approach the orphan's property, except in a manner that is best" [Al-An'ām: 152]. Is there in this the permissibility of approaching the wealth of someone who is not an orphan in any manner other than what is best? If they say 'no, there is not in that a permissibility,' they abandon their false claim that when the pasturing animals (sa'imah) was mentioned by the Prophet \$ that indicates that non-pasturing animals that this alone indicates that other than the sa'imah are different in ruling, there is no difference between the Prophet \$ mentioning pasturing animals in one place and then all sheep in another place.

And in the exact same manner (there is no difference between), the statement of Allāh, ** "And do not consume each other's wealth unjustly" [Al-Baqarah: 188]. In one verse and then in his saying in another verse, "And do not approach the orphan's property, except in a manner that is best" [Al-An'ām: 152].

There is no difference between someone who claims that the Prophet mentioning pasturing animals specifically explains the <code>hadīth</code> about sheep generally (by specifying it) and someone who claims that Allāh mentioning the orphan's wealth specifically in the verse clarifies the prohibition of the prohibited property, that it clarifies in which situation exactly taking property is prohibited and that this specification is what is intended by that.

They are asked: Do you not see the saying of Allāh, "Indeed, the number of months with Allāh is twelve months in the Book of Allāh, on the day He created the heavens and the earth, of which four are sacred. That is



the upright religion, so do not wrong yourselves during them" [At-Tawbah: 36].

Do you then believe oppression is allowed in months other than those that are sacred?

And do you not see Allāh's statement, "The kingdom on that day will belong to Allāh" [Al-Ḥajj: 56]. Do you then believe in something that can prevent it belonging to Allāh other than that day?

And likewise the verse, "And do not compel your slave girls to prostitution if they desire chastity" [An-Nūr: 33]. Do you then believe prostitution is allowed for them if they do desire it?

Likewise, the verse, "But do not make a secret promise to them" [Al-Baqarah: 235].

Do you then permit making public promises instead of secret during the waiting period ('*iddah*)? And likewise the verse, "Cursed were those who disbelieved from among the Children of Isrā'īl" [Al-Mā'idah: 78]. Is this then a preventative from cursing anyone who disbelieves other than the Children of Isrā'īl?

And likewise the verse, "Permissible for you is the game of the sea and its food as provision" [Al-Mā'idah: 96]. Does this prevent the consumption of fruits, grains, and anything other than the game of the sea?

Just as the Mālikīs said regarding the verse, "And horses, mules, and donkeys for you to ride and as an adornment" [An-Naḥl: 8]. That this a prohibition for eating horses, as eating them is not mentioned in that verse. And if they object to this by the narration that permits horses, then why do they not object using the verses we mentioned of the permissibility of everything that is different on while they prohibit it? And it is said to them: Do you not see the saying of the Prophet, "I am ordered to fight the people till they say, 'Lā Ilāha Illā Allāh,' if they say it then, then protected by me is their property and blood except by a right." Do you then believe this omits fighting them if they reject the prophethood of Mūsā and 'Īsā.

And it is said to them: If your saying would be the truth that if a thing is attached to a description that it inherently indicates that anything other than that must be different in ruling. Then the saying of anyone that, "Zay has died," would be a lie because it implies based on your ruling that anyone other than Zayd has not died. And likewise if it is said, "Zayd is a writer."



And likewise if it is said, "Muḥammad is the Messenger of Allāh," it implies that no one was ever a Messenger other than him.

And they are also implied that as they say what we mentioned, to allow the killing of children for reasons other than fear of poverty because Allāh only said, "And do not kill your children for fear for poverty" [Al-Isrā': 31].

And the verse, "And do not buy with my verses a small price" [Al-Baqarah: 41]. This permits according to them buying it for a large price.

And as they abandoned their method in all that we have mentioned, and as they acknowledge that the saying of anyone who says, "Zayd died and Zayd is a scribe, and Muḥammad is the Messenger of Allāh and Musaylimah is truly a liar," that in this there is no preventative that other than Zayd also died, and that there are many scribes besides Zayd, and that Mūsā, 'Īsā, and Ibrāhīm are messengers of Allāh, and that al-Aswad al-'Ansī, al-Mughīrah al-Jallāḥ, and Banātā are liars—The claims of these people have become invalid—those who claim that if the speech is attached to a certain description, or a certain name, or in a certain time, then what is other than that must be different.

Let no one misunderstand our words here and assume that when we deny their saying that what is not mentioned is different to what is mentioned, that we because of this say that what is not mentioned is in agreement with what is mentioned. Instead both matters are false a grave innovation, and a slander without guidance.

We instead say: Nothing from speech is understood except what the words imply, and for each issue there is a ruling for its name alone, and what is besides it is not ruled as being in agreement with it nor contrary to it. But we seek evidence from other than it from an nass or $ijm\bar{a}$, and there is no other way, and with the help of Allāh, may He be exalted, comes success.



Section: The Grave Contradiction In Their Views On This Matter

In summary, their method about $qiy\bar{a}s$, their method on $dal\bar{\iota}l$ al- $khit\bar{\iota}ab$, and their method on $khu\bar{\imath}u\bar{\imath}s$ are positions that all invalidate one another and demolish each other. They say about $qiy\bar{a}s$, "If there is $na\bar{\imath}s$ about any ruling, we make something part of it what has no ruling from what was $man\bar{\imath}u\bar{\imath}s$ and we follow the Sunnah in matters where there is no Sunnah. So, if $rib\bar{a}$ (in sales) is made to occur (by the $nu\bar{\imath}u\bar{\imath}s$) in (the exchange of) wheat for wheat, we then make part of it the exchange of straw for straw. And if $kaff\bar{\imath}arah$ is made obliging on the one hunting on purpose (during $ihr\bar{\imath}am$) by the $nu\bar{\imath}u\bar{\imath}s$, we by that obligate it for the one who hunts by mistake."

Then they say about $dal\bar{\imath}l$ al- $khit\bar{\imath}ab$, "If there is nass about a ruling, we take out what was not stated of the ruling in the $mans\bar{\imath}us$, and we do not follow the Sunnah in matters where there is no Sunnah." A group said, "We do not give $zak\bar{\imath}at$ for animals except the $s\bar{\imath}at$ (grazing animals), because $s\bar{\imath}at$ mah was mentioned in some narrations." Another group said, "We do not eat horse meat because the $\bar{\imath}at$ only mentioned riding them and as adornment." Another group said, "We only judge with mutat (the gift of consolation) for the one who is divorced without consummation and without a dowry, because this was mentioned in some verses."

This is the complete opposite of their sayings about $qiy\bar{a}s$ and invalidates it.

And they say about $khu s\bar{u} s$, "We do not judge by everything that the nas s implies, but we take out from it some things that fall under the wording." So they say regarding the verse, "If a man dies without a child but has a sister" [An-Nisā': 176]. They say, "This refers only to male children, not females. They also said regarding verse, "But take witnesses, two just men from among you" [Aṭ-Ṭalāq: 2]. They say, "This is about free men, not slaves, and it is about distant relatives, not close ones such brothers, fathers, sons, or spouses."



They say about the verse, "Whoever has assaulted you, retaliate with the same manner in which he assaulted you" [Al-Baqarah: 194]. And the verse, "And wounds equal for equal" [Al-Mā'idah: 45].

They say about these, "There is no retaliation for a wound except if it is a wound that reveals the bone $(m\bar{u}dihah)$, there is no retaliation for destruction, slapping, or pulling hair."

This method invalidates their views on both $qiy\bar{a}s$ and $dal\bar{\imath}l$ al- $khit\bar{a}b$ together. We shall show, In $Sh\bar{a}$ ' $All\bar{a}h$, their grave contradiction in these methods soon.

The Mālikīs narrated the $had\bar{\imath}th$ about cutting off the hand for theft of a quarter $d\bar{\imath}n\bar{a}r$, and they said, "A wife's private parts cannot be made lawful (a woman cannot married) for less than a quarter $d\bar{\imath}n\bar{a}r$ (as the mahr) because of $qiy\bar{a}s$ to what a thief's hand is cut off for, and the mention of a quarter $d\bar{\imath}n\bar{a}r$ in the hadd of cutting obligates that the dowry not be less than it"

Then they say, "The one who borrows (property) is not to be punished, for he is not a thief,' and Allāh mentioning 'the thief' obligates that no one else is punished except a thief."

Then they say, "If someone steals something and eats it before taking it out of its secure place, even if it is worth $d\bar{\imath}n\bar{a}rs$, there is no punishment," so they made $takh\bar{\imath}\bar{\imath}s$ of the punishment of stealing to some thieves but not all thieves.

And likewise, the Hanafīs did the same, except that they say, "The thief of meat, the thief of a *muṣḥaf* (copy of the Qur'ān), the thief of fruit, or of arsenic, they are not punished with the *ḥadd* of stealing."

Muḥammad ibn al-Mughīrah al-Makhzūmī narrated from Mālik that a vessel is washed from the licking of a pig seven times by *qiyās* of it to the *ḥadīth* about a dog.

Then they say, "A garment or body is not to be washed from a dog's saliva because the *ḥadīth* only mentioned a vessel."

Ibn al-Qāsim narrated from Mālik that he said, "The vessel is not to be emptied unless it contains water. As for other than water, the licking of a dog does not harm it."

As for the Shāfi'īs, they came to the *āyah* about *zihār*, made *qiyās* of it to the mother and sister and said, "Allāh mentioning the mother is proof that the sister is like her in ruling."

Then they say, "Allāh mentioning the (male) $muz\bar{a}hir$ (the one who does $zih\bar{a}r$) is evidence that the woman, if she does $zih\bar{a}r$ of her husband, she is different from the male $muz\bar{a}hir$ in ruling."

Then they say, "Whoever declares *zihār* of his slave woman is not obliged expiation."

So they make $takh s\bar{s}\bar{s}$ of some women mentioned in the $\bar{a}yah$ without evidence. All this and more like these in their statements are many, rather most of their statements are filled with such contradictions. Only a few of their statements are free from contradiction. All their statements contradict and destroy one another, and this is definitive evidence that their statements are not from Allāh. If it would be from Allāh, there would be no contradiction in it, nor any conflict, and each part would confirm the other.



Section: More Of Their Contradiction About This

Allāh has explicitly obliged compensation (diyah) and expiation ($kaff\bar{a}rah$) for the accidental killing of a believer. Then those who believe in $qiy\bar{a}s$ have extended this ruling to the accidental killing of the $dhimm\bar{\imath}$ by a Muslim, while nothing of that is mentioned in the verse.

Then, they differed; one group imposed *kaffārah* for intentional killing because of *qiyās* with accidental killing, while another group denied this. The contradiction of this group was even greater, as they imposed *kaffārah* for accidental hunting based on *qiyās* with intentional hunting but refuse to apply the same principle to the intentional killing of a believer, not making *qiyās* of it to accidental killing.

And this is while all of them hear the verse, "And there is no blame upon you for what you have done by mistake, but only for what your hearts intended" [Al-Aḥzāb: 5].

And the statement of the Messenger of Allāh : "Mistakes, forgetfulness, and what they are compelled to do are lifted from my nation."

So by these texts, no one is held accountable for their unintentional actions, except in cases specified by texts, such as the obligation of $kaff\bar{a}rah$ for the accidental killing of a Muslim and the $ijm\bar{a}$ of the ummah on $dam\bar{a}n$ for mistakes in destroying property. And that ablution is nullified by emissions from the body's two orifices, whether through forgetfulness or intentional actions only.

And from their contradictions are that groups among them said, regarding the Prophets statement, "Whoever sells a palm tree that has been pollinated, the fruit belongs to the seller unless the buyer stipulates otherwise."

Some of them said, "Whether the fruit is pollinated or not, it belongs to the seller."

This is the view of Abū Ḥanīfah. His companions' contradictions in *dalīl al-khitāb* are numerous. Some groups insisted, "The slave in expiation

for $zih\bar{a}r$ must be a Muslim, because of the reason that the slave mentioned in the $kaff\bar{a}rah$ for murder must also be a Muslim." So they oblige the slave whose religion is not mentioned by texts in the case of $zih\bar{a}r$ to be the same as the slave whose religion is mentioned in the case of murder.

Then some of this group said, regarding the Prophets statement about the two *qullahs* of water, "If the water reaches two *qullahs*, it does not become impure," that anything less than two *qullahs* must be different from two *qullahs*. Why do they not say the same for the slave and oblige the unmentioned religion of the slave to be different than what is mentioned about its religion. Just as they made the unmentioned which is other than two *qullahs* different from the two *qullahs* that are mentioned. Or why do they not make the unmentioned of other than two *qullahs* the same as two *qullahs* the same as what they did to the unmentioned religion of the slave from killing?

Another group among them said that the follower in prayer must not say, "Sami'a Allāhu limān ḥamidahu," because of the reason that this not mentioned in some of the narrations, and the $im\bar{a}m$ must not say " $\bar{A}m\bar{\imath}n$," because it is not mentioned in some of the narrations, even though it is mentioned in others.

But here they favor what is unmentioned and do not apply it except if it is mentioned in both narrations.

Then, they say, "We take the *jizyah* from those who are not from the People of the Book, even though Allāh did not order its collection except from the People of the Book."

They also falsely attributed this to 'Uthmān and this is not authentically attributed to 'Uthmān at all.

The first to collect jizyah from non-People of the Book was al-Qāsim ibn Muḥammad al-Thaqafī, the commander of the corrupt al-Ḥajjāj. He collected it from the idol-worshipping $Kuff\bar{a}r$ of Sind.

As for 'Uthmān, he did not go beyond Africa, whose people were Christians, nor did he extend eastward beyond Khurāsān, nor northward beyond Azerbaijan, whose people were Magians.

From their strange matters, which infuriates anyone with intellect and faith, and regarding which they must fear Allāh in what they say or feel ashamed in their *taqlīd* of those who erred in it, is their own agreement that Allah's statement, "And whoever kills a believer intentionally, his



recompense is Hell" [An-Nisā': 93] that this does not apply to the one who kills by mistake. And they say that the accidental killer is different from the intentional killer in this regard.

But, the Ḥanafīs, Shāfiʿīs, and Mālikīs unanimously applied the verse: "O you who have believed, do not kill game while you are in a state of *iḥrām*. And whoever among you kills it intentionally, the penalty is an equivalent from the animals, judged by two just men among you... So that he may taste the consequence of his deed. Allāh has forgiven what is past; but whoever returns to it, Allāh will take retribution from him. And Allāh is Exalted in Might and Owner of Retribution" [Al-Māʾidah: 95].

So they say, "Those who accidentally kill game while in *iḥrām*, they are part of the ruling of those that kill intentionally."

And this is while they hear this severe threat in the verse, which by the $ijm\bar{a}$ of the ummah does not apply to those who make mistakes. This reversal of truths and tampering with Allāh's ruling in these two rulings, in which it is explicitly stated with the word 'intentional,' is as clear as can be, then they make differences between them as you can see. Allāh suffices us, and He is the best of defenders.

They also said, regarding Allāh's statement, "Those who pronounce *zihār* among you from their wives [they are] not their mothers" [Al-Mujādilah: 2].

So they say, "We draw $qiy\bar{a}s$ between $zih\bar{a}r$ and other forbidden acts involving one's mother, adding the unmentioned to that which is mentioned."

Then the say, "We do not make $qiy\bar{a}s$ of a woman making $zih\bar{a}r$ of her husband, we do not add this to what is mentioned."

Then they say, "We oblige the *kaffārah* for intercourse during Ramaḍān on the woman which the man had intercourse with, based on *qiyās* on the ruling of the man that has intercourse, adding the unmentioned ruling to the mentioned ruling."

And they have said, "We add the slave which is not mentioned in the ruling of *zihār* to the slave that is mentioned with its religion for killing."

Then they say, "We do not oblige feeding in the compensation of fasting for the *kaffārah* of killing even if this compensation of feeding is in the *kaffārah* of *zihār* which we made *qiyās* of its slave to the obligatory slave for killing."

Some of them made a $qiy\bar{a}s$ between tayammum and $wud\bar{u}$, arguing that tayammum must also reach the elbows, yet they refused to make a $qiy\bar{a}s$ between wiping the head in tayammum and wiping it in $wud\bar{u}$, claiming that the unmentioned ruling must follow the mentioned one here.

And they say, "The ruling of that what is unmentioned here is the ruling of that what is mentioned."

And then they do not draw *qiyās* from the verse, "And bring to witness two just men from among you" [Aṭ-Ṭalāq: 2] to the verse on loans, "And if there are not two men [available], then a man and two women" [Al-Baqarah: 282].

So they say, "This does not allow us to rule on the unmentioned by the ruling of the mentioned."

And they say on the previous ruling, "We rule the unmentioned by the same as the ruling of the mentioned."

As for the Ḥanafīs, they ruled in the two verses on testimony that the unmentioned has the same ruling as the mentioned, so they accept a women's testimony in matters of divorce, marriage, and *raj'ah*.

And in the verse on *tayammum*, they oblige wiping up to the elbows, but they do not apply the ruling of the mentioned to the unmentioned in the cases of freeing a slave for *zihār*, murder, and expiation, nor do they apply the ruling for grazing animals to non-grazing animals.

So they make differences here between the unmentioned and the mentioned.

Each group among them ruled in Allāh's religion based on their 'aql and their $taql\bar{t}d$, without certain decisive evidence.

One of them argued against me by citing what suited his desire, claiming that the *badal* (substitute) has the same ruling as the *mubdal minhu* (main noun/original noun). I informed him that this is false according to the language of the Arabs, by which we were addressed in the Qurʿān and Sunnah, and according to the ruling of the Sharīʿah.

As for the language, the *badal* according to the $nahwiyy\bar{\imath}n$ is of four types:

Badal al-ba'd min al-kul (part of the whole replacement);

Badal al-Bayān (clarifying replacement);

Badal al-Ghalat (a corrective substitute);

Badal al-sifah min al-mawsūf (adjective replacement).



So none of these types, except the *Badal al-Bayān* (clarifying replacement), makes the ruling become the ruling of the *mubdal minhu* (replaced). Such as if you say, "I passed by Zayd, a righteous man," with one of them indefinite and the other definite.

As for the Qur'ān, Allāh made *badal* of the freeing of a slave in expiation with fasting three days, and He made *badal* of the freeing of a slave in *zihār* with fasting two consecutive months. He made *badal* of the freeing of a slave for expiation with feeding ten needy people, and of these ten, fasting three days, and He made *badal* of fasting two months with feeding sixty poor people. Allāh also made *badal* of the sacrificial offering for *tamattu* 'with fasting ten days, and the sacrificial offering for a harm violation with fasting three days. So what they claimed was invalidated.

A group among them said regarding the saying of the Prophet $\stackrel{\text{def}}{=}$, "Whoever touches his private part must perform $wud\bar{u}$," that touching does not invalidate $wud\bar{u}$ unless it is done with the inner hand, not its outer part, so they do not apply the ruling to everything that falls under the word 'touch.' Then they referenced a weak $had\bar{u}th$ for that, "Whoever touches his private part with his hand must perform $wud\bar{u}$." Even if it would be authentic, it would not prevent the obligation of $wud\bar{u}$ if it is touched with anything other than the hand, because in that narration which they referenced, only touching with the hand is mentioned. But in the other $had\bar{u}th$ it is about any touch in general as the Prophet $\stackrel{\text{def}}{=}$ said, "Whoever touches his private part must perform $wud\bar{u}$," just as there is nothing in this narration that indicates that $wud\bar{u}$ is invalidated by wind or defecation; rather, those are instead rulings added to each other.

Then they contradicted this, citing two *ḥadīths*: one states, "When boundaries are established, there is no *shufʿah* (preemption right)," and the other, "When boundaries are established, and the pathways are defined, there is no *shufʿah*." ³⁸⁴

So they use both wordings and they do not make them as one <code>hadīth</code>, they instead oblige the establishment of boundaries alone as sufficient to cut off the right of <code>shuf ah</code>, even if pathways were not defined.

They say, "Yes, if the boundaries are defined, there is no *shuf* 'ah, and if the pathways are further defined, then there is no *shuf* 'ah as well."

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³⁸⁴ Şaḥīḥ al-Bukhārī 2213, 2257, 2495

The Hanafis did not do this here, but they fell into that contradiction it in the issue of touching the private part what we mentioned previously.

And some of them have contradicted themselves in two narrations from the Messenger of Allāh: in one, he wiped over his forelock; in the other, he wiped over his turban. Here they claim this is one hadīth, and that wiping over the turban alone is not sufficient without wiping over the forelock.

This is the opposite to what they did in the case of *shuf ah*, and this is while the difference between the *hadīth* in which the forelock is mentioned and then the narration about the turban is clearer than any need for effort required to understand that because the narrator of the forelock is al-Mughīrah ibn Shu bah, while the narrators of the turban are Bilāl and Amr ibn Abī Umayyah al-Dumrī together.' Whoever claims that the two are a single narration has fabricated and asserted what he has no knowledge of, which is impermissible. It would have been appropriate for them to rule the unmentioned matter of wiping over a covered head based on their ruling regarding the two covered feet, just as they ruled for wiping over the *jurmūqayn* (foot coverings) by *qiyās* with *khuffayn* (leather socks), and just as they draw *qiyās* between wiping over splints on the arms and wiping over the *khuffayn* on the feet. Splints are not mentioned at all in any authentic text.

And if it is allowed for them to substitute wiping over them instead of washing the arms, then substituting wiping over the turban in place of wiping the head is more appropriate, because this is wiping then replacing then wiping, while the other is wiping then replacing then washing. And *qiyās* of the head to the feet—since they are both ends of the body and both are included in *tayammum*—is more suitable than comparing the arms with splints to the feet.

But these people are not upon anything, they only say what comes out of their mouths without reflection, and those who followed them made *taqlīd* of them.

Then they come to the verse, "O you who have believed, prescribed for you is legal retribution regarding those murdered: the free for the free, the slave for the slave, and the female for the female" [Al-Baqarah: 178]. So they contradicted themselves, they say, "This verse necessitates that a free man cannot be killed for at all for a slave, but does not necessitate that a male cannot be killed for a female."

Can there be anything more false than claiming that Allāh's statement, "The free for the free," implies that a free man is not killed for a slave, but then saying that His statement, "And the female for the female," does not necessitate that a female cannot be killed for a male and a male cannot be killed for a female.

As for us, we clarified that this verse does not indicate this is the only possibility, and also the saying of the Prophet, "The blood of the Muslims are equal," is general and necessitates, the killing of the free for the slave, and the slave for the free, and the male for the female, and the female for the male.

Likewise, His saying, Exalted is He, "And the retribution for an evil act is an evil one like it" [Ash-Shūrā: 40] this obliges retribution between the free and the slave, and the male and the female, for other than killing, which permits retribution of the free against the slave and the slave against the free, and female slaves and free women amongst themselves, as well as men in relation to each other. And there is no retribution for a $k\bar{a}fir$ against a Muslim due to other texts not relevant to discuss here.

Some of them claim about the saying of Allāh, "Say, I do not find within what was revealed to me anything forbidden to one who would eat it unless it be a dead animal, or blood spilled out, or the flesh of swine—for indeed, it is impure" [Al-Anʿām: 145]. They claim, "So blood that is not spilled is permissible."

They have forgotten themselves in this verse because if the mention in it of "spilled" blood is claimed to imply the permissibility of unshed blood, then the mention of swine flesh in the exact same verse must imply the permissibility of swine skin and hair, yet they do not say this; so they contradict themselves. And if they claim $ijm\bar{a}$, they have lied, because many of the $fuqah\bar{a}$ have allowed the sale of swine skin and its use after tanning, and the use of its hair for stitching.

And also, the saying of Allāh, Exalted is He, in Sūrat al-Mā'idah, from one of the last verses revealed, "Forbidden to you are dead animals, blood, the flesh of swine, and whatever has been dedicated to other than Allāh, and those animals killed by strangling or by a violent blow or by a headlong fall or by the goring of horns, and those from which a wild animal has eaten—except what you [are able to] slaughter [before its death]—and those which are sacrificed on stone altars. [And prohibited is] that you seek

decision through divining arrows. That is grave disobedience. This day those who disbelieve have despaired of [defeating] your religion; so do not fear them, but fear Me. This day I have perfected for you your religion and completed My favor upon you and have approved for you Islām as religion" [Al-Mā'idah: 3]. This clarifies that all blood is prohibited, including both spilled and unspilled, and this is evident. And Allāh, Exalted is He, grants success.

Chapter Thirty-Seven: The Falsehood of *Qiyās*

In the name of Allāh, Most Gracious, Most Merciful. All praise is for Allāh. We praise Him, seek His help, ask for His forgiveness alone; and we seek refuge in Allāh alone from the evil in our souls and from the wrong of our deeds. Whomever Allāh guides, there is no one to misguide him; and whomever He leaves astray, there is none to guide him. I bear witness that there is no god except Allāh, the One, with no partner. I also bear witness that our revered Muḥammad is His servant and messenger. May Allāh bless him and his family, his ṣahābah and his followers, and shower on them peace and favors. Everything in my book that is wrong is from me and satan, Allāh and His Messenger are innocent of it.

Allāh the Most Exalted says that He completed the religion and has clarified everything. He says, "There is not a moving creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then unto their Lord they will be gathered" [6:38]. And He says, "And We sent not before you except men to whom We revealed. So ask *ahl al-dhikr* (those who know the Qurʿān and the *sunnah*) if you do not know. [We sent them] with clear proofs and written ordinances. And We revealed to you *al-dhikr* (the Qurʿān and the *sunnah*) that you may make clear to the people what was sent down to them and that they might give thought" [16:44-45].

It was part of Allāh's preordained decree, in His knowledge, that differences would arise among His creation, He, the Almighty says, "Had your Lord willed, He would have made all the people a single community. But, they will continue to differ except those shown mercy" [11:118-119]. So, it is known with certainty from Allāh's revelations that *ikhtilāf* (any difference of opinion) will manifest among us, and He has forbidden us from such divisions. Allāh the Almighty says, "And hold firmly to the rope of Allāh all together and do not become divided" [3:103]. And He says, "And do not be like those who became divided and fell into disputes after the clear signs

had come to them. And for them there is grave punishment" [3:105]. And He, the Most Exalted says, "If it would be from other than Allah, they would find many differences" [4:82]. And the Messenger of Allāh said, "Leave me as long as I leave you, for those who were before you were destroyed because of excessive questioning, and their differences to their prophets." ³⁸⁵ The Messenger of Allāh also said, "You will surely follow the ways of those before you inch by inch and step by step so much so that if they had entered into the hole of the lizard, you would follow them in this also." He was then asked about this, "O Messenger of Allah, do you mean Jews and Christians [with] 'those before you?" He said, "Who else (than those two religious groups)?"386 After the passing of the Messenger of Allāh , there emerged five innovations among the people that were falsely embraced as foundational aspects of the religion of islām. Allāh has guided the righteous away from these innovations. They are known as Ra 'ī, qiyās, istiḥsān, tal 'īl, and taqlīd. Ra \bar{i} first surfaced during the time of the $sah\bar{a}bah$ may Allah be pleased with them, the first generation, yet none of them in the narrations attributed to them regarding their usage of Ra \bar{i} indicate them affirming Ra \bar{i} as something that is yaqīn. After them the righteous successors have continued to follow their lead in this matter to this day. The essence of Ra 7, over which there exists difference of opinion, pertains to a ruling in the religion for which there is no explicit nass (texts from the Qur and the sunnah) for. It is a ruling that is the most equitable for an issue, it is either ruling that issue as prohibited, permissible, or obligatory. Understanding this alone, one understands the prohibition of Ra \bar{i} without necessitating explicit evidence to be known, as Ra^{i} inherently lacks certainty. There is however no doubt that certain evidence from *nuṣūṣ* (plural of *naṣṣ*) exists regarding its prohibition.

After Ra \bar{i} , $qiy\bar{a}s$ emerged in the second generation, with some proponents embracing it while others disavowed it, expressing their dissociation from it. The essence of $qiy\bar{a}s$, over which adherents hold differing opinions, is deducing a ruling for an issue that will either be a prohibition, obligation, or permissibility. This issue is one that is not explicitly addressed in the revelation of Allāh (Qur $\bar{a}n$ and sunnah). $Qiy\bar{a}s$ entails assigning a ruling to such an issue based on its similarity to another issue addressed in the Qur $\bar{a}n$ and sunnah, with the new issue receiving the

³⁸⁵ Şaḥīḥ Muslim 1337

³⁸⁶ Şaḥīḥ Al-Bukhārī 3456, 7319

same ruling as the one it is compared to due to their resemblance. The proponents of *qiyās* differed on this matter; some claimed that the ruling being likened to must share the same underlying *'illah* (rationale) while others argued that similarity in any aspect suffices. We will clarify all of this by the will of Allāh.

This methodology is false from three distinct angles, and we intend to expound upon its fallacies in the greatest detail, by the will of Allāh. Firstly, using $qiy\bar{a}s$ entails acknowledging rulings devoid of textual evidence $(nus\bar{u}s)$, while the entire religion is $mans\bar{u}s$ (object noun of nass). Secondly, some of them believe that as long as there is $nus\bar{u}s$ that the utilization of $qiy\bar{a}s$ becomes false, this is a false claim for which there is no certain evidence. Thirdly, the claim that those issues receive the same ruling as what is similar because of their 'illah (rationale) is baseless, as Allāh has not prescribed any 'illah for rulings within the religion. Claims of 'illah lack certainty and remain unsupported by evidence from the Qur'ān and sunnah. This will all be clarified in detail by the will of Allāh.

Afterwards, *istiḥsān* emerged in the third generation, defined as judgments based on anything they perceive to be good or beneficial. This method is false as it succumbs to personal inclinations. Some have attempted to justify *istiḥsān* by proposing that scholars choose the optimal view from the statements of the scholars of earlier generations. This is false as the utterances of fallible humans are prone to error. We have clarified in the greatest of details the falsehood of these.

In the fourth generation, the practices of *taqlīd* and *ta 'līl* emerged. *taqlīd* is adherence to a ruling simply because it was issued by a *ṣahābi*, *tābi 'ī*, or any scholar without any *naṣṣ* known by the *muqallid*. This method is false because it relies on claims lacking conclusive evidence. There is within the realm of *fiqh* (jurisprudence), a multitude of differing opinions among *ṣahābah*, *tābi 'īn*, and scholars. Those who engage in *taqlīd* commit themselves to following certain individuals which they are not ordered to follow, nor do they have certain decisive evidence for it.

As for *ta'līl* it entails fabricating a rationale (*'illah*) to justify a particular ruling. For example, claiming that alcohol is only prohibited because it causes harm. This is falsehood, as it suggests that Allāh has only prohibited something based on a specific reason, and they claim that anything with a similar reason as that must receive the same ruling. Such attributions

about Allāh are baseless and constitute a direct falsehood. Those acquainted with the true nature of this method recognize its fallacy without requiring explicit evidence, particularly when there is overwhelming evidence against it in the $Qur'\bar{a}n$, sunnah, and reasoned argumentation $(ma'q\bar{u}l)$. We will clarify the falsehood of $qiy\bar{a}s$ and ta'lil in great detail, by the will of Allāh.

Certain evidences indicate that these created fundamentals like $qiy\bar{a}s$, $istihs\bar{a}n$, ta ' $l\bar{\imath}l$, and $taql\bar{\imath}d$ only emerged post the era of the $sah\bar{a}bah$. We are aware of all $fat\bar{a}wa$ that are issued by the $sah\bar{a}bah$, wherein they occasionally based their rulings on Ra ' $\bar{\imath}$ without affirming its certainty. However, there is no authentic narration ever demonstrating their use of $qiy\bar{a}s$, except for one weak narration attributed to 'Umar, which we shall scrutinize meticulously to elucidate its weaknesses, by the will of All $\bar{a}h$. In this dubious narration, 'Umar allegedly says, "Depend on the $qiy\bar{a}s$ that is the most beloved to All $\bar{a}h$." It is impossible for 'Umar to make such a statement, as it is universally understood that knowledge of what is beloved to All $\bar{a}h$ comes solely from His revelation through the Messenger of All $\bar{a}h$. Anyone attributing such statements to All $\bar{a}h$ without revelation is without any doubt a liar.

As Allāh states, "Say, 'My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and sin, and oppression without right, and that you associate with Allāh that for which He has not sent down authority, and that you say about Allāh that which you do not know" [7:33].

Istiḥsān began to surface in the third generation, but there's nothing narrated about it being used before Abū Ḥanīfah and his companions. Mālik rarely used it, preferring other methods of legal reasoning. They say regarding it, "Qiyās in this issue is like this, but we think so and so which is its opposite is better."

Taqlīd became prevalent after Abū Ḥanīfah and Mālik may Allāh have mercy on them, with each group adhering to the teachings of the ṣahābah and refraining from diverging from their perspectives, even if their fatāwa varied. There is no certain evidence of anyone preceding them using taqlīd.

Ta 'līl was introduced by the companions of Al-Shāfi'ī, followed by the companions of Abū Ḥanīfah and then those of Mālik. Subsequently, *taqlīd* emerged among the followers of Al-Shāfi'ī, extending to Al-Shāfi'ī himself,

despite his various conflicting views and *fatwās*. However, all three, Abū Ḥanīfah, Mālik, and Al-Shāfiʿī, prohibited their followers from *taqlīd*, without making any difference between a scholar and a layman. Every group of them strives to uphold one of these three *imāms* and their companions. Their books are filled with this *taqlīd*, even most scholars among them while they claim *taqlīd* is only prohibited for the scholar.

Rejecting the false method of $ta'l\bar{\imath}l$ and denouncing it as reprehensible has been the stance of the $sah\bar{a}bah$, a position we will elaborate on in great detail, by the will of Allāh. This false approach proliferated beyond the early generations, leading to the widespread abandonment of the words of Allāh and his Messenger . In This chapter I will clarify the falsehood of $qiy\bar{a}s$ and $ta'l\bar{\imath}l$ in the greatest of details, by the will of Allāh the Most Exalted.

Section: The Definition of *Qiyās*

There has been a difference of opinion regarding the definition of $qiy\bar{a}s$ in terminology ($istil\bar{a}h$). Some said, "It is imposing a known matter upon another known matter to establish or negate a judgment for them, through a comprehensive command between them, regarding a ruling or attribute." Others said, "It is the equivalence of a subsidiary issue (far) to a principle (ast) regarding the rationale ('illah) of the judgment, or its addition to it in the sense considered in the judgment."

Others said, "It is the attainment of the judgment of the *aṣl* in the *far*', due to their similarity in the *'illah* of the judgment according to the diligent scholar."

Others said, "The inclusion of specifics within generalities."

Others said, "Including what is implied within what is explicitly stated."

Others said, "The inclusion of the differing within the agreed upon."

Others said, "Extracting the hidden from the apparent."

Others said, "Imposing a matter upon another, and applying its ruling to it."

Others said, "Imposing a matter upon something else, and applying its ruling to it."

Others said, "Imposing a matter upon something else in some of its rulings, based on a resemblance."

And to each of these definitions there are objections that would extend the discourse if mentioned.

To summarize with an accurate definition that garners unanimous agreement as mentioned before, *qiyās* is: Deducing a ruling for an issue that will either be a prohibition, obligation, or permissibility. This issue is one that is not explicitly addressed in the revelation of Allāh (Qurʿān and *sunnah*). *Qiyās* entails assigning a ruling to such an issue based on its similarity to another issue addressed in the Qurʿān and *sunnah*, with the new

issue receiving the same ruling as the one it is compared to due to their resemblance. However, scholars differed on this matter; some claimed that the ruling being likened to must share the same underlying 'illah (rationale) while others argued that similarity in any aspect suffices.

The pillars of *qiyās* according to those who believe in it are: *aṣl*, *far*', '*illah* and *ḥukm*. A *qiyās* cannot be free from any of these pillars.

A*ṣl* is the basis of the analogy, it is from that which is from Qur'ān and sunnah.

Far' is that which is likened to the a
otin l, not to its ruling, it is that which is not from Qur'ān and sunnah.

'Illah is the similarity between the *aṣl* and *far'*.

Hukm is the outcoming ruling of the far'.

Then they place twelve conditions for the validity of the asl, if any of them are not present then the $qiy\bar{a}s$ is invalid.³⁸⁷

The ruling intended for transfer to the *far*' must be firmly grounded in the *aṣl*; if it has been abrogated, it cannot be used.

It must be shar'i not 'aqli or lughawi.

It must be sam'i.

It must be from the Qur'an and sunnah.

It must not already be a far' of another a
otin l. It must not be something that already encompasses a far', if it would already include it because of the a
otin l being general and the far' falling under it, it contradicts the purpose and essence of establishing a far'. It must have an $ijm\bar{a}$ '. There is however difference of opinion regarding this, Some argue for the obligation of an explicit $ijm\bar{a}$ ' of the ummah regarding the a
otin l, while others contend that the a
otin l validity is established through the judgment of two opposing parties.

There must not be a difference regarding the 'illah of the aṣl, this is called murakkab ul-aṣl. If there is agreement on the 'illah, but there is difference whether the 'illah applies to the far' then this is murakkab ulwasf.

There must not be certainty, because if there would be certainty then $qiy\bar{a}s$ is not allowed as $qiy\bar{a}s$ only suffices conjecture.

 $^{^{387}}$ Al-Baḥr Al-Muḥiṭ Fī Uṣūl Al-Fiqh 7/103-131 Qawāṭiʿ Al-Adillah Fī Al-Uṣūl 2/119 | Irshād Al-Fuḥul IIā Taḥqīq Al-Ḥaqq Minʿ Ilm Al-Uṣūl 2/109 | Al-Taḥṣil Min Al-Mahsūl 2/246

It must not involve a specified quantity, such as the number of $raka'\bar{a}t$ in prayer, lashes in $hud\bar{u}d$ punishments, or witnesses for testimonies. Certain companions of Al-Shāfi'ī however permitted such $qiy\bar{a}s$.

The ruling of the *aṣl* must not have harshness on what is other than it. The ruling of the *far*', must not be established before the *asl*.

As for the 'illah, the majority claim regarding it that it is a fundamental aspect of qiyās, without it qiyās is invalid. Some differed, Ibn Fūrak said, "Some have said that any resemblance suffices for a qiyās, they did not believe 'illah to be a condition." Ibn Al-Sam'ani said, "Some of those who use qiyās from the hanafiyyah and others believe in the validity of qiyās without an 'illah, as long as there is some resemblance between the far' and the aṣl in some aspect."

They also differ on the meaning of *'illah* with various different views. Some said, "*'illah* is what elucidates a ruling, it is like a sign for the ruling, wherever its meaning is found then that ruling is also found." This is the view of Al-Ṣayrafī, Abū Zayd from the *ḥanafiyyah*, Sulaym Al-Rāzī mentioned this about some *fuqahā'*.

Others said, "It is the inherent nature of a ruling, but it is not something Allāh made as an 'illah for that ruling." This is the view of the mu'tazilah, based on their principle of al-taḥṣīn wal-taqbīḥ (intellectual assessment).

Others said, "It is the inherent nature of a ruling, but with the meaning that Allāh made that '*illah* for that ruling." This is the view of Al-Ghazālī, Sulaym Al-Rāzī and Al-Ṣafī al-Hindī

Others said, "It is from the societal customs." This is the view of Al-Fakhr Al-Rāzī.

Others said, "It is that which is sent with the ruling, meaning that the description ('illah) must necessarily include a beneficial purpose intended by Allāh of the ruling."

'Illah has differed words and names, it can be called a *sabab*, *amārah*, dā'ī, mustad'ī, bā'ith, ḥāmil, manāṭ, dalīl, muqtadi, mujīb and mu'athir.

Some *Muḥaqqiqūn* have concluded that an *'illah* must have evidence of its validity because it is *shar'ī*, like the ruling. Just as there must exist evidence for a ruling, there must also exist evidence for its *'illah*.

Some of them said, "There must exist two evidences for an 'illah: one to establish it as a 'illah and another to confirm its validity."

Ibn Fūrak said, "Some of our companions said that the validity of an *'illah* is known by the mere presence of the ruling alongside it, and its nonexistence with its non-existence."

Those who believe in $qiy\bar{a}s$ have created twenty-two conditions for an 'illah to be considered valid, if any of them is not present then the $qiy\bar{a}s$ is invalid:

It must be *mu'athirah* (have influence), if it is not *mu'athirah* then it is an invalid '*illah*. This is the view of the majority of *ahl ul-uṣūl* who believe in *qiyās*. What they mean by it is suitability. Al-Bāqillānī said regarding a *mu'athirah* '*illah*, ''It is an '*illah* that prevails the conjecture of the jurist that the ruling is only established for the sake of that '*illah*, and not for any other reason.''

It must be *waṣf al-dābiṭ*, meaning an accurate description that indicates suitability, it implies that the ruling is made for a wisdom (*ḥikmah*) which Allāh had intended for that ruling. It must not be an obscured wisdom such that other things are not encompassed by that wisdom.

It must be apparent and clear, otherwise it cannot be affirmed for the far'.

It must be safe such that no texts from $Qur'\bar{a}n$, sunnah or $ijm\bar{a}$ ' contradict it.

Other 'ilal (plural of 'illah) must not contradict it, and there must not exist an 'illah which is better, because what is better is more deserving of the ruling.

It must be *muttaridah*, meaning it must be consistent; wherever the '*illah* is found, the ruling must also be found.

It must be *thubūti*, this means that it must be confirmed and that means that it is not preceded by a negation, meaning a ruling that already exists is not invalidated with this *'illah*. Many of them however went with the view that such an *'illah* is valid.

It must be *muta'addiyah* and not *qāṣirah*, this means that an *'illah* must be able to move away where it has been placed by Allāh in the Qur'ān and *sunnah*, such as the prohibition of the sale of wheat for wheat, the *'illah* of its prohibition is that it is food, this *'illah* is then *muta'addiyah*, because it can then apply for matters other than wheat.

That the ruling ceases with the disappearance of the 'illah, and what is meant is the disappearance of knowledge or presumption of it; as the

absence of evidence does not necessarily entail the absence of what is inferred.

Its attributes should be acknowledged or inferred.

It must not be that which can imply a different ruling for the far' and a different one for the asl.

It must not entail contradictions.

Its existence must not be later than the ruling of the aṣl.

The description must be specific, because returning the *far* 'to it is only valid through this medium.

The method of affirming it must be *shar'* $\bar{\imath}$ for it must be *shar'* $\bar{\imath}$ like rulings.

It must not be muqaddarah, meaning that it must not have an aspect that is supposed to exist when it does not, or supposed to be non-existent when it exists, such as the ruling that a wife is entitled to inherit a portion of the blood money of her killed husband, because the deceased husband is considered to own the blood money, but this ownership is imagination, not real. Al-Hind $\bar{\imath}$ said that many went with the view that a muqaddarah 'illah is valid.

If it is derived, then the condition is that it must not entail invalidation of the asl, or the invalidation of a part of it, to avoid acceptance of the less established over the more established; because the presumption derived from texts is stronger than the presumption derived from $qiy\bar{a}s$, as the 'illah is a branch of $qiy\bar{a}s$, and a branch does not invalidate its root, otherwise it would be necessary to return to itself by invalidating it.

If it is derived, then it must not negate any texts from $Qur'\bar{a}n$ and sunnah.

If it is derived, then it must not have any addition on what the texts do not affirm.

It must not contradict another 'illah which would necessitate two opposites in their ruling.

If the *aṣl* has a condition then it is not possible for the *'illah* to entail negation of that condition.

It must not indicate that the a s l covers the f a r' in general as there is in that case no use in $q i y \bar{a} s$.

They also created four conditions for the far', a $qiy\bar{a}s$ is not valid without these conditions:



Its 'illah must be equal to the 'illah of the aṣl.

Its ruling must be equal to the ruling of the *aṣl*.

It must not be something which is already covered by $Qur'\bar{a}n$ and sunnah

It must not have preceded the ruling of the aṣl.

As for the *hukm*, it is nothing other than either a prohibition, obligation or permissibility, as mentioned before.

Section: *Qiyās* According To The *Madhāhib*

According to their method, as clarified previously, *qiyās* is creating rulings on issues that are not mentioned by texts or *ijmā*, applying a ruling to it from that which resembles to it from texts or *ijmā*, based on shared *'illah* (rationale). According to them, *'illah* is defined as *'alāmah*, the known factor designated by Allāh and his Messenger as the reason necessitating the ruling. This claim is held by the majority of them, encompassing the companions of Al-Shāfi'ī, groups from the *ḥanafiyyah*, and *mālikiyyah*.

Beyond this and all the conditions, many differences appear, groups from the <code>hanafiyyah</code> and <code>mālikiyyah</code> said, "<code>Qiyās</code> relies on a similarity between two cases in some of their aspects." Muḥammad Ibn Al-Ṭayyib Al-Bāqillānī said, "<code>Qiyās</code> is applying one known thing to known thing, whether some of it is obliging or omitting (the similarities between them) because of it being possible to gather them on the same matter in one of their aspects." Abū Ḥanīfah said, "A <code>mursal</code> narration or a weak narration from the Messenger of Allāh takes precedence over <code>qiyās</code> and holds greater significance. The use of <code>qiyās</code> is not permissible as long as such narrations exist." Abū Ḥanīfah also said, "The view of a <code>ṣaḥābi</code> for whom there is no difference of opinion is known for (<code>ijmāʾ sukūti</code>) takes precedence and holds greater weight than <code>qiyās</code>. Abū Ḥanīfah also said, "It is not allowed to use <code>qiyās</code> for the issues of <code>kaffārāt</code>, <code>hudūd</code> and also not for <code>muqaddarāt</code> (every ruling that has an amount specified).

Al-Shāfi'ī said, "The use of $qiy\bar{a}s$ is prohibited when there are texts from the Qur'ān or authentic connected narrations pertaining to the issue. However, if such texts do not exist, then it becomes obligatory to resort to $qiy\bar{a}s$ in order to determine the ruling."

Abū Al-Faraj Al-Qāḍī and Abū Bakr Al-Abharī both from the *mālikiyyah* said, "*Qiyās* takes precedence and holds greater weight than both a connected and a disconnected narration."

A group of the *shāfī'iyyah*, *ḥanafiyyah* and *ahl ul-ūṣul* said, "It is not allowed to use *qiyās* on *asbāb*." They prohibit using of *qiyās* when the reason for a ruling, such as in the case of *zinā* being the basis for *ḥudūd*, is explicitly derived from texts, to another another issue, like declaring homosexual intercourse having the same *ḥadd* ruling due to its similarity to *zinā*. This is the opposite of those who falsely use an *'illah* that is from the texts for other issues.

They then divide *qiyās* into three types. First is *qiyās* al-ashbah and *qiyās* al-awlah, they say regarding it, "An issue that lacks a specific ruling from texts is more deserving of receiving a ruling than an issue that already has that defined ruling. For instance the case of the obligatory *kaffārah* (expiation) such as for accidental killing and for breaking oaths that are not false. In such instances, individuals who intentionally kill or make false oaths are more deserving of receiving the same penalty as those involved in accidental killing or non-false oaths."

Another example of this principle can be found in the perspective of the *mālikiyyah* and *shāfi'iyyah* regarding the ending of a marriage in the absence of sexual intercourse. Given that a ruling already exists for this situation, it is more appropriate to apply the same ruling when a marriage ends due to the husband's failure to provide financial support.

Another example is the <code>hanafiyyah</code>, <code>shāfi'iyyah</code> and <code>mālikiyyah</code> obliging the <code>muzāhir</code> if he says the back of his mother is similar to his wife, if he then says the private of his mother is similar to the wife, that deserves the ruling of making the back similar more than what the ruling was of the making the backs similar.

The second type is *qiyās al-musāwah*, which is considering two scenarios as equivalent, unlike the first type where one issue is deemed more worthy of receiving the ruling. An example of this is the stance of Abū Ḥanīfah and Mālik regarding deliberate intercourse during daylight hours of *ramaḍān*. It is obligatory for a man to pay *kaffārah* in such a case, but they argue that intentionally eating during *ramaḍān* is to be ruled the same as intentionally engaging in intercourse, with that the *kaffārah* is similarly obligatory for those who eat intentionally.

And they also say that a woman who has intercourse on purpose willingly during the daytimes of *ramaḍān* must also pay *kaffārah* just like the man is because of it being considered the same to the ruling of the man.

Similarly, there is the saying of some $t\bar{a}bi$ $\bar{u}n$ and their successors who argue that if a *muzāhir* concerning his wife is obligated to pay *kaffārah*, then if the wife performs $zih\bar{a}r$ through which she becomes a *muzāhirah*, she is also obligated to pay *kaffārah* in the same manner as the man.

And Al-Shāfi'īs requirement to wash a vessel that a dog has licked seven times, which is because of that deemed equivalent to the situation when a swine licks it, necessitating the same seven washes. And the ruling of $m\bar{a}likiyyah$, which mandates that an unmarried $z\bar{a}ni$ be lashed one hundred times and expelled from his city for a year. Likewise, when it comes to someone who has wrongfully killed a person not subject to the death penalty but is subsequently forgiven by the victims $awliy\bar{a}$, they are given the same ruling as an unmarried $z\bar{a}ni$.

And the view of Al-Hasan regarding a woman who has been divorced three times, if she later inherits from her deceased husband, then the man should also inherit from the woman in the same manner.

The third is *qiyās al-adna*, it pertains to situations where one issue deserves the ruling less than the other two types previously discussed. The first type involved issues more deserving of the ruling, the second type considered them as equivalent, and the third type assigns a lower level of deservingness. This concept is exemplified in the opinions of Mālik and Abū Ḥanīfah. For instance, if it is obligatory to cut the hand of a person who has stolen, but only if the stolen amount exceeds a certain threshold that makes a body part (such as the hand) *ḥalāl*, then the *ṣadāq* (*mahr*, or dowry) for *nikāḥ* should also carry the same ruling and the same minimum threshold as required for cutting off the hand of the thief. This analogy is drawn because both the private part in the context of *nikāḥ* and the hand in the context of theft represent body parts whose ruling changes from it being prohibited to it being allowed to take that body part.

And the view of $Ab\bar{u}$ Ḥan \bar{i} fah that if urine and excrement are considered *najis* (impure) and break the $wud\bar{u}$, then blood, which is also *najis*, should be given the same ruling regardless of where or how it exits the body.

And the view of Al-Shāfi'ī that if a man touches his private part, it invalidates $wud\bar{u}$ ', and similarly, touching the anus, because of it being considered 'awrah, should have the same ruling.

And the view of *mālikiyyah* that if saying '*uff*' on purpose during prayer invalidates the prayer, then intentionally blowing out air should also have the same effect of invalidating the prayer.

The Evidences For *Qiyās* Summarized

Here we will summarize the evidences they use for $qiy\bar{a}s$, its falsehood will all of be clarified later in the greatest details, by the will of Allāh.

They use as evidence for $qiy\bar{a}s$ the $\bar{a}yah$, "Take a lesson O people of vision" [59:2].

And the $\bar{a}yah$, "These are the parables We set forth for humanity, but none will understand them except the people of knowledge" [29:43].

And the $\bar{a}yah$, "And he puts forth for Us a parable, and forgets his own creation. He says, 'Who will give life to these bones after they are rotten and have become dust?' Say, 'He will give life to them Who created them for the first time!" [36:79].

And the $\bar{a}yah$, "He is the One Who sends the winds ushering in His mercy. When they bear heavy clouds, We drive them to a lifeless land and then cause rain to fall, producing every type of fruit. Similarly, We will bring the dead to life" [7:57].

And the $\bar{a}yah$, "And it is Allāh Who sends the winds, which then stir up 'vapour, forming' clouds, and then We drive them to a lifeless land, giving life to the earth after its death. Similar is the Resurrection" [35:9].

And they mention the $\bar{a}yah$, "Do not say to them: 'uff'" [17:23]. They say about this $\bar{a}yah$, "Everything that harms which is not 'uff' must takes the same ruling as 'uff."

And they mention the $\bar{a}yah$, "So whoever does an atom's weight of good will see it. And whoever does an atom's weight of evil will see it" [99:7-8]. They say about this $\bar{a}yah$, "Anything that is lesser than an atom's weight takes the same ruling as an atom's weight."

And they mention the $\bar{a}yah$, "Do not kill your children for fear of poverty" [17:23]. They say about this $\bar{a}yah$, "Killing children for reasons other fear of poverty takes the same ruling as killing for the reason of poverty."



And they mention the $\bar{a}yah$, "After the fulfillment of bequests and debts" [4:12 They say about this $\bar{a}yah$, "Anything that is not inheritance takes the same ruling as what is mentioned about inheritance."

And they mention the $\bar{a}yah$, "There is no restriction on the blind, nor any restriction on the lame, nor any restriction on the sick, nor on yourselves, if you eat from your houses, or the houses of your fathers, or the houses of your sisters, or the houses of your father's brothers, or the houses of your father's sisters, or the houses of your mother's brothers, or the houses of your mother's sisters, or the houses of your mother's sisters, or (from that) whereof you hold keys, or (from the house) of a friend. No sin on you whether you eat together or apart" [24:61]. They say about this $\bar{a}yah$, "The houses of other than the parents takes the same ruling as the houses of the parents."

And they mention the $\bar{a}yah$, "Then, if the other husband divorces her, it is no sin on both of them that they reunite" [2:230]. They say about this $\bar{a}yah$, "So anything other than divorce such as when the husband dies or the marriage becomes mafsukh, both take the same ruling as divorce mentioned in the $\bar{a}yah$."

And they mention the $\bar{a}yah$, "And call two of your reliable men to witness" [65:2]. They say about this $\bar{a}yah$, "Every ruling that has no mention of witnesses takes the same ruling as this Ayah."

And they mention the $\bar{a}yah$, "Whoever kills game intentionally must compensate by offering its equivalence—as judged by two just men among you" [5:95].

And they mention the narration attributed to the Messenger of Allāh, "Do you think that if your father had a debt that you would pay it off?"³⁸⁸ And the narration, "Do you have a camel?' He said, 'Yes,' he said, 'What is its color?' He said, 'Red,' he said, 'Do you have any grey one among them?' He said, 'Yes,' he said, 'How could that be?' He said, 'Maybe it is from 'irq.' He said, 'And that is the. maybe also from '*irq*.'"³⁸⁹

And the narration, "There is no prophet after me." 390

³⁸⁹ Şaḥīḥ Al-Bukhārī 5305

³⁸⁸ Sunan Al-Nasā'ī 5393

³⁹⁰ Sahīh Al-Bukhārī 3455



And the narration, "Measure (perform $qiy\bar{a}s$) the people based on the weakest of them." ³⁹¹

And the narration, "Whoever emancipates a share he had in a slave." 392

And the narration where 'Umar said, "I got excited then kissed." The Messenger of Allāh answered, "Do you think that if you would rinse your mouth..." 393

They also say, "Allāh ordered us to follow $ijm\bar{a}$, this entails that $qiy\bar{a}s$ is an evidence as there is $ijm\bar{a}$ on issues $qiy\bar{a}s$ can be observed, if Allāh willed they would not have used it."

They further mention issues which have in reality come with texts while they claim that those issues have an $ijm\bar{a}$ with no texts for them, such as the ruling of a hadd applied against men who make qadhf of Muslim women, they claim there is nothing other than a mere $ijm\bar{a}$ with no texts that if men are made qadhf of that the $q\bar{a}dhif$ (doer of qadhf) is also lashed the same hadd.

³⁹¹ Musnad Al-Bazzār 9318

³⁹² Sahīh Al-Bukhārī 2491

³⁹³ Sunan Abī Dāwūd 2385

Section: The Summarized Answer Against Them

As for the $\bar{a}yah$, "So take a lesson, ($fa'tabir\bar{u}$, from the word $I'tib\bar{a}r$) O people of vision" [59:2]. If anyone would use this verse to invalidate every single $qiy\bar{a}s$ using this $\bar{a}yah$ alone he would be closer to the truth than the one that affirms $qiy\bar{a}s$ as a fourth source of evidence in the religion because of this $\bar{a}yah$. Because neither in the $shar\bar{i}'ah$ nor in the Arabic language has anyone comprehended that the order to take a lesson means, "Use $qiy\bar{a}s$!" It is also not understood that in this $\bar{a}yah$, the order to take a lesson means the obligation of applying the ruling of $rib\bar{a}$ to the sale of metal and oak nuts in the same manner as clothes, and that metal and oak nuts do not receive the same ruling as clothes in $zak\bar{a}h$ or $zak\bar{a}t$ ul-fit. Taking a lesson means nothing more than reflecting. The order of All $\bar{a}h$ to reflect has also only come after All $\bar{a}h$ said, "They destroyed their own dwellings with their own hands and the hands of the believers. Then reflect!" If this would be an order to use $qiy\bar{a}s$ then we would be ordered to destroy our houses just as they destroyed their houses, with no alternative, this is false without any difference of opinion.

Al-I'tibār (reflecting) in Arabic means nothing other than amazement which is a feeling of surprise mingled with admiration and a feeling of great surprise or wonder. Allāh says, "Indeed in their stories, there is a lesson for men of understanding" [12:111]. This means that there is in their stories a sense of amazement, it is profoundly false that there would be in the story of Yūsuf qiyās for men of understanding. Allāh says, "And verily! In the cattle, there is a lesson for you. We give you to drink of that which is in their bellies, from between excretions and blood, pure milk; palatable to the drinkers. And from the fruits of date-palms and grapes, you derive strong drink and a goodly provision. Verily, therein is indeed a sign for people who have wisdom" [16:66-67].

It is indisputable that this implies nothing other than reflection, and reflection in Arabic solely conveys a sense of amazement. It is impossible for it to mean that there is any *qiyās* for us regarding the cattle and it is impossible

to claim that $qiy\bar{a}s$ is the fourth source of evidence in the religion because of the cattle, as well as dates, grapes, and others; rather, this contradicts the very essence of $qiy\bar{a}s$. $Qiy\bar{a}s$ is establishing the same ruling for two matters due to their similarity in 'illah' which is clearly not the case in the $\bar{a}yah$. The $\bar{a}yah$ explicitly distinguishes between milk derived from between blood and excretions and between intoxication and good provision, both of which can be obtained from grapes. While grapes can serve both purposes, one is prohibited while the other is permissible, so it invalidates the method of applying the same ruling to similar things. So, they bear no relevance to the $\bar{a}yah$, "Reflect, O people of vision!"

Some of them use as evidence for *qiyās* the verse, "These are the parables We set forth for humanity, but none will understand them except the people of knowledge" [29:43]. We say: Yes but Allāh has also said, "So do not put forward similitudes for Allāh. Truly! Allāh knows and you do not know" [16:74]. This indicates the falsehood of *qiyās* because Allāh's examples are inherently true and can only be derived from the texts of Allāh and his Messenger, not t *qiyās*. We declare it false to put forth examples in the religion of Allāh, Allāh has prohibited us from that. It is obligatory to adhere to the words of Allāh and his Messenger and to believe in the examples put forth without ever exceeding the limits, by putting forward examples ourselves which Allāh prohibited.

They also mention $\bar{a}y\bar{a}t$, "And he puts forth for Us a parable, and forgets his own creation. He says: 'Who will give life to these bones after they are rotten and have become dust?' Say: 'He will give life to them Who produced them for the first time!'" [36:79]. "He is the One Who sends the winds ushering in His mercy. When they bear heavy clouds, We drive them to a lifeless land and then cause rain to fall, producing every type of fruit. Similarly, We will bring the dead to life" [7:57]. "And it is Allāh Who sends the winds, which then stir up 'vapour, forming' clouds, and then We drive them to a lifeless land, giving life to the earth after its death. Similar is the Resurrection" [35:9]. These $\bar{a}y\bar{a}t$ all nullify $qiy\bar{a}s$ because we do not reject the fact that the creations resemble each other. As we acknowledge that all creations indeed bear resemblance to one another in the aspect of being a creation of Allāh. Rather than rejecting this fact, we recognize that they are all a jism (body) from the $ajs\bar{a}m$ (plural of jism) and an 'araḍ (symptom) from the a'rad (plural of 'araq').

This is certain evidence that for the sole reason things resemblance, they cannot take the same ruling for that mere reason. Our saying here entails declaring all *qiyās* as false which our opponents themselves see as correct. Because the creation of the first time is for the world while giving life, perishing is for the creation of the last time and that is different, the last time is for recompense and eternity. The same for the dead coming forth and resurrection, that is completely different and from giving life to land. Because the dead coming to life does not happen except at the Day of Judgment once and after that there is eternity. And that is not like anything about the revival of a land after its death, so *qiyās* becomes then completely false. Because Allāh made them similar, while their rulings are different, whereas *qiyās* is giving the same ruling because of a similarity. This is against the method of anyone that believes in *qiyās*.

As for the $ay\bar{a}h$, "Do not say to them, 'uff'" [17:23]. It has never been understood by any Arab that, 'uff,' means hitting or killing. The only thing prohibited by the usage of this word is saying, 'uff,' itself. There is unanimous agreement that if two witnesses claim that someone said, 'uff,' to their parents, they would be bearing false witness. Then how can it be permissible to attribute a statement to Allāh that rules the speaker a liar?

Allāh says however in the $ay\bar{a}h$, "And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents. If one of them or both of them attain old age in your life, say not to them, 'Uff,' nor shout at them but address them in terms of honor. And lower unto them the wing of submission and humility through mercy, and say: 'My Lord! Bestow on them Your Mercy as they did bring me up when I was young'" [17:24-25]. The complete $ay\bar{a}h$ orders us to honor our parents and show them humility and kindness, forbidding any form of harm towards them, no matter how minor. This encompasses all forms of disrespect or harm toward parents. So prohibition for these issues are from additional orders that are general, not from the word, 'uff,' alone.

As for the $ay\bar{a}h$, "So whoever does an atom's weight of good will see it. And whoever does an atom's weight of evil will see it" [99:7-8]. We know what is lesser than an atom's weight, from the $ay\bar{a}h$, "Never will I allow to be lost the work of any of you" [3:195]. And the $ay\bar{a}h$, "This Day shall every person be recompensed for what he earned" [40:17]. And the $ay\bar{a}h$, "They will cry, 'Woe to us! What kind of record is this that does not leave any sin,

small or large, unlisted?" [18:49]. This includes anything other than and less than an atom's weight.

As for the *ayāh*, "Do not kill your children for fear of poverty" [17:23]. We know the prohibition of killing children and any Muslim, because Allāh prohibited it in general. The Messenger of Allāh also said, "Your blood and property are prohibited for each other." And Allāh, the Most Exalted says, "Do not kill a soul that Allāh has prohibited except with right" [6:151].

As for the $ay\bar{a}h$, "After the fulfillment of bequests and debts" [4:12].

The Messenger of Allāh did not pray for the one who passed away until his debts were paid off. 394 And Allāh obliged bequests in general, He the Almighty says, "It is prescribed for you, when death approaches any of you, if he leaves wealth, that he makes a bequest to parents and next of kin, according to reasonable manners. (This is) a duty upon Al-Muttaqūn" [2:180]. There is also *ijmā* ' *qaṭ* 'ī that if any Muslim passes away, then no heir inherits except if the debts are paid off, then the bequests are carried out, and then the remaining estate is distributed among the heirs. The first obligation from the deceased's estate is to settle their debts, but the debts owed to Allah take precedence over all other creditors, such as zakāh, kaffārah, and other debts owed to Allāh. If anything remains after settling the debts, it is used to repay creditors. If there is still property remaining, the cost of enshrouding the deceased is covered from it. If there is still property left after that, then onethird of what remains is used to fulfill any bequests made by the deceased, and the rest is inherited by the heirs. Allah says, "After any bequest which was made or debt" [4:12]. This ayāh is general regarding any debts, including the debts owed to Allāh, the Messenger of Allāh said, "The debts of Allāh are most deserving to be paid off." The Messenger of Allāh also said, "Pay off the debts of Allāh for he is the most deserving to be paid off." The texts indicate that bequests are settled only after the debts are paid off. The Messenger of Allāh prohibited taking property from Muslims unlawfully. After their passing, the property of the deceased belongs to the creditors and then to Allāh, so it is not permissible to take their property. This necessitates the order mentioned.

As for the $ay\bar{a}h$, "There is no restriction on the blind, nor any restriction on the lame, nor any restriction on the sick, nor on yourselves, if you eat from your houses, or the houses of your fathers, or the houses of your

³⁹⁴ Sunan Abī Dāwūd 3343

mothers, or the houses of your brothers, or the houses of your sisters, or the houses of your father's brothers, or the houses of your mother's sisters, or the houses of your mother's brothers, or the houses of your mother's sisters, or (from that) whereof you hold keys, or (from the house) of a friend. No sin on you whether you eat together or apart" [24:61. The houses of the sons are not mentioned; only the permissibility to eat from the houses of the father is mentioned. But we know from additional texts that sons are also included in the ruling. The Messenger of Allāh said, "The best (most pure) food that a man eats is that which he has earned himself, and his child (the child's wealth) is part of his earning." This applies to ruling of the $ay\bar{a}h$ as all words from the Messenger of Allāh is a revelation from Allāh.

As for the $ay\bar{a}h$, "So if a husband divorces his wife (three times), then it is not lawful for him to remarry her until after she has married another man and then is divorced. Then it is permissible for them to reunite" [2:230]. This $ay\bar{a}h$ only mentions the permissibility to reunite if the new husband divorces her; there is no mention of the permissibility for her to reunite with the former husband if the new husband passes away or if faskh occurs. But there are additional texts from the Messenger of Allah that rule for a woman who is divorced three times. It is ruled that she is not allowed to remarry the same man who divorced her three times, except if she tastes his 'usaylah and he tastes her 'usaylah of the new husband. 396 This is an additional ruling that addresses this issue, both for the case of a husband passing away and for faskh in general. Tasting 'usaylah refers to engaging in intercourse and experiencing pleasure. Afterward, regardless of the circumstances of their separation, whether it is by faskh or death, the Messenger of Allāh stipulated that tasting 'usaylah with each other's other spouse becomes a condition for her permissibility to remarry her previous husband, if the marriage end.

As for the claim that the prohibition of consuming swine's fat is derived solely from $qiy\bar{a}s$ based on the prohibition of swine meat, and that the prohibition of female swines is derived similarly from the prohibition of male swines, is false. Allāh the Almighty says about the swine in general, "Verily it is rijs" [6:145]. The pronoun in Arabic goes back to the nearest mentioned noun, this $ay\bar{a}h$, pertains to the swine itself, not just its meat, which is not closer to rijs than the swine itself is to rijs. So this $\bar{a}yah$ prohibits all aspects

³⁹⁵ Sunan Abī Dāwūd 3529

³⁹⁶ Sahīh Al-Bukhārī 2639

of the swine: its fat, meat, bones, sinews, brains, skin, hair, milk, and everything else. This comprehensive prohibition is due to all of these components being *rijs*, as the swine itself is *rijs* and anything that is *rijs* must be avoided without any doubt, as established by both textual evidence and consensus.

Allāh, the most Exalted also says, "Indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allāh], and divining arrows are *rijs* (abomination) from the acts of Satan, so avoid it" [5:90]. The noun for, "Avoid it (*fajtanibūhu*)" does not refer back to the four mentioned. Because if it did, Allāh would have said, "*Fajtanibūha*." The noun does not refer back to satan because no one can physically avoid him, as he cannot be seen or sensed. So the noun here refers to the actions of satan, declaring his actions as *rijs*, and Allāh orders us in this *ayāh* to avoid satans actions. Consequently, all aspects of a swine, divining arrows, stone alters, *khamr*, and gambling are *rijs* and must be avoided. These prohibitions are derived from texts not *qiyās*.

As for the gender of the swine, the word $khinz\bar{\imath}r$ in Arabic is a species which occurs to both males and females, with no difference from ahl ullughah. If the prohibition of swine fat were solely based on $qiy\bar{a}s$, then according to their methodology, its bones, hairs, sinews, brains, skin, and nails would also be prohibited only by $qiy\bar{a}s$ to its meat, and no one has ever uttered anything about this before them. And if all of that would be prohibited solely because of $qiy\bar{a}s$ to the meat, it lacks $ittir\bar{a}d$ (consistency) because they do not use the same 'illah for sales.

As for the $\bar{a}yah$ concerning raj'ah, "And call two of your reliable men to witness" [65:2]. We seek refuge in Allāh from concluding that this $\bar{a}yah$ pertains exclusively to all other rulings because of the reason it is the ruling for raj'ah, based on $qiy\bar{a}s$. We instead know that the Messenger of Allāh said, "Your evidence (witnesses) or your oath" The Messenger of Allāh also adjudicated cases based on evidence presented by the plaintiff and oaths taken by the defendant And this is general for every single claim made. Using $qiy\bar{a}s$ as the fourth source of evidence based on this $\bar{a}yah$ does not precede instances where four witnesses are mentioned instead of two.

None of this suggests that $qiy\bar{a}s$ is the fourth source in the religion.

³⁹⁷ Şaḥīḥ Al-Bukhārī 4550

³⁹⁸ Jāmi Al-Tirmidhī 1341

As for the $\bar{a}yah$, "Whoever kills game intentionally must compensate by offering its equivalence—as judged by two just men among you" [5:95]. Recompense of game is against them with absolute certainty because Allāh ordered the *muḥrim* that kills game on purpose to offer its equivalence from cattle. The ruling of $qiy\bar{a}s$ here would be that the one that kills anything in general which he does not own from cattle that he must in its place offer its equivalence from game, this is something the whole *ummah* has agreed on its falsehood. *Istidlāl* with this $\bar{a}yah$ on the falsehood of $qiy\bar{a}s$ is very apparent.

As for the words of the Messenger of Allāh, "Do you think that if your father had a debt that you would pay it off? The debt of Allāh is the most deserving to be paid off." They have no relation to this narration as Allāh has ordered us to pay off debts in general, Allāh says, "After the fulfillment of bequests and debts" [4:12].

The questioner initially believed that the debt owed to Allāh was not included in the general obligation to settle debts. However, the Messenger of Allāh clarified that it indeed falls under this general obligation, emphasizing the significance of settling debts owed to Allāh above all others. What is remarkable is that the <code>hanafiyyah</code>, <code>mālikiyyah</code>, <code>shāfi'iyyah</code> all use this narration as evidence for <code>qiyās</code>, yet they oppose this exact narration and prohibit performing <code>hajj</code> on behalf of others, and prohibit bequests on behalf of others, or fasting. They argue, "The debts of Allāh are not more deserving to be paid off than the debts of humans, because Allāh is not in need of anything while we are." Yet, at the same time they believe that the <code>mahr</code> of the woman cannot be lower than the amount a thief's hand gets cut. The contradiction is very evident. It is not possible for anyone to use as evidence that which they are the first ones to oppose.

As for the narration, "'Do you have a camel?' He said, 'Yes,' he said, 'What is its color?' He said, 'Red,' he said, 'Do you have any gray one among them?' He said, 'Yes,' he said, 'How could that be?' He said, 'Maybe it is from 'irq.' He said, 'And that is then maybe also from 'irq.'"

This narration invalidates $qiy\bar{a}s$; it does not affirm it in any possible way. the Prophet $\stackrel{\text{def}}{=}$ did not base the differing descriptions of camels and humans as a reason for their differing rulings. We understand that the concept of 'irq in camels is neither prior, superior, nor distinct from that in humans, so it invalidates the claim that one is a far' and the other an asl. So, none of this goes according to the method of those adherent to $qiy\bar{a}s$. Because $qiy\bar{a}s$

is only to judge a thing that is different which is not encompassed by any text, the same ruling as that which has texts or $ijm\bar{a}$. And the texts of this narration is that camels have 'irq and that humans have 'irq, not that one of them is mentioned by texts or $ijm\bar{a}$ ' while the other is not mentioned at all.

As for the narration, "There is no prophet after me." They say, "We use *qiyās* that this is also about Messengers." This is false, because there is no Messenger except that he is a prophet, while there can be a prophet that is not a Messenger. If the Messenger of Allāh would have only said, "There is no Messenger after me," it would be possible for prophets to be sent after him. But since he said, "There is no prophet," this indicates that there is no prophet and no Messenger after Muḥammad as all Messengers are prophets without any doubt. It is also narrated from an authentic *tariq* that the Messenger of Allāh said, "Allāh has sealed the Message and Prophethood with me, there is no Prophet and no Messenger after me." 399

As for the narration, "Measure (the verb $qiy\bar{a}s$ is used here) the people based on the weakest of them." All narrations that have been narrated with this wording about this incident are weak. This wording about this incident has not been narrated except from turuq that are not free from Talhā Ibn 'Amr and he is from the pillars of lying. You Even if it would be authentic there would be no evidence for them in this narration because the Messenger of Allāh ordered those leading the prayer nothing other than making it easier for the people. And the way to make it easier for them is doing that which the weakest among them is able to. None of that is related to the $qiy\bar{a}s$ the $madh\bar{a}hib$ use. This is instead the opposite of $qiy\bar{a}s$ because in this incident the weakest one follows the stronger one or the strongest one, while they are different have no similarity in that aspect, they are instead two opposites.

As for the narration that the Messenger of Allāh said, "Whoever emancipates a share he had in a slave." They say, "The Messenger of Allāh only spoke about the male slave and a female slave only takes the same ruling because of *qiyās*." This is false because there are other narrations with the

³⁹⁹ Jāmi Al-Tirmidhī 2272

¹⁶ Musnad Al-Bazzār 9318

⁴⁰⁰ Tahdhīb Al-Kamāl 13/427

⁴⁰¹ Sahīh Al-Bukhārī 703



wording, "Whoever emancipates a share in a *mamluk* or emancipates anything in a human." ⁴⁰²

All of these are authentic and this encompasses the female slave also in the ruling as *mamluk* in Arabic means both the male and female slave and *mamluk* falls under human.

As for the narration, "I got excited then kissed." "Do you think that if you would rinse your mouth." This is narration is a clear evidence against them and invalidates *qiyās*, because none of the things mentioned in the narration are similar to each other from any aspect, while 'Umar thought they were similar, then the Messenger of Allāh made a clear difference between rinsing the mouth and drinking water and between kissing and intercourse, he did not give a ruling because of the reason of a similarity.

As for their claim that the <code>ṣahābah</code> had <code>ijmā</code> on the <code>khilāfah</code> of Abū Bakr, based on <code>qiyās</code> that the Messenger of Allāh appointed him to lead the prayer is a mere lie. The whole <code>ummah</code> is in agreement without any difference, including <code>ahl ul-qiyās</code> that not everyone that is suitable to lead the prayer is suitable for <code>khilāfah</code>. There is no difference that it is allowed to appoint a non-Arab slave for the prayer while that is not allowed for <code>khilāfah</code>. A group from the <code>ṣahābah</code>, <code>tabi'īn</code> and the <code>fuqahā'</code> have said that a child can lead the prayers whether the prayers are obligatory or voluntary. While they agree that it is prohibited and invalid to appoint a child for the <code>khilāfah</code>. They have abandoned the <code>'illah</code> here and have left <code>ittirād</code>. This indicates that they acknowledge the falsehood of this <code>qiyās</code>. It is not possible to ascribe to the <code>ṣahābah</code> an <code>ijmā'</code> for the validity of <code>qiyās</code> as the fourth source of evidence in the religion, while the <code>qiyās</code> is false by agreement of them.

If they mention the narration where the Messenger of Allāh said, "Follow those who come after me: Abū Bakr and 'Umar." If this narration, along with any others that have a similar meaning, were authenticated, it indicates nothing other than the obligation of following their *khilāfah* and to adhere to what they transmitted from the Messenger of Allāh. Nothing beyond, not from their own *fatāwa* or Ra $\bar{\imath}$. The reason for this specification is because everything else is without any doubt impossible as both of them differed regarding many issues and are not allowed to follow due to certain evidences which will become very evident soon, by the will of Allāh.

⁴⁰² Sunan Al-Kubrā by Al-Nasāʿī 4944 | Ṣaḥīḥ Al-Bukhārī 2492

⁴⁰³ Sahīh Ibn Hibbān 15/328

As for their claim that the ṣahābah agreed with Abū Bakr on fighting ahl ul-riddah for not paying zakāh based on qiyās from the ṣalāh, this is a lie fabricated about him. Qiyās holds no relevance in this matter, Allāh says, "Kill the Mushrikīn wherever you find them... [But] if they repent, pray, pay zakāh then let them have their way" [9:5]. Allāh ordered fighting anyone in general till they repent from shirk, pray and pay zakāh. This is a ruling ordered by Allāh which Abū Bakr carried out. Their claim that zakāh's ruling derives solely from the ruling on prayer is akin to claiming that prayer is only obligatory because of the reason zakāh is obligatory, or that the prohibition of swine is solely due to the prohibition of intoxicants. Such comparisons are unimaginable and impossible. And Abū Bakr, renowned for his exceptional intellect and virtue. said, "I will fight those who distinguish between prayer and zakāh," he was upon the truth, aligning with the order of Allāh.

The claim that the ṣahābah used qiyās from the punishment for ḥadd of khamr to the ḥadd of qadhf (accusation of adultery) is false for two main reasons. Firstly, all narrations regarding this claim are weak. Secondly, such an analogy cannot be deemed as qiyās, as there is no substantive difference between applying qiyās from the punishment for khamr consumption to the punishment for qadhf and applying it to other prescribed punishments such as for ḥirābah (highway robbery), sariqah (theft), or zinā. How can they cite qiyās as evidence for its validity as a fourth source in religion from a concept they themselves regard as false? There is no difference of opinion that the potential actions of an intoxicated individual, may engage in false accusation, adultery, theft, highway robbery, murder, infliction of harm, apostasy, or may refrain from such actions altogether. It is narrated authentically from the Messenger of Allāh that the prescribed punishment for khamr consumption is forty lashes. The narrations about the amount being eighty are weak, there is no difference of opinion that qiyās is not possible in these matters.

As for the issues which have texts such as the ruling of the divorced Muslim woman and the hadd applied against the $q\bar{a}dhif$ of a woman, and the claim that the $q\bar{a}dhif$ of a man lashed only because of $qiy\bar{a}s$. Their proclamation of $ijm\bar{a}$ on such matters is itself indicative of inconsistency. $Ijm\bar{a}$ is a fundamental principle in the foundations of truth and can only occur if it is based on something established by the Messenger of Allāh $(tawq\bar{i}f)$, as Allāh says, "This day I have completed for you your religion" [5:3]. A

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⁴⁰⁴ Sahīh al-Bukhārī 6776

complete religion entails no alterations or additions. The rulings of the religion, whether derived from texts in the Qur'ān and authentic *sunnah* or through consensus, fall into the categories of obligation, prohibition, or permissibility—there is no fourth category. Every ruling originates from Allāh, and what is from Allāh can only be known through the Qur'ān and *sunnah*. Anything beyond these sources is mere conjecture, and claiming certainty about it is baseless and lacking in knowledge. Allāh, the Most Exalted says, "And most of them follow nothing but conjecture. Certainly, conjecture can be of no avail against the truth" [10:36]. And He, the Almighty says, "Do not follow what you have no knowledge of" [17:36].

And He says, "The things that my Lord has indeed forbidden are *fawāḥish* (great evil sins and every kind of unlawful sexual intercourse) whether committed openly or secretly, sins (of all kinds), unrighteous oppression, joining partners (in worship) with Allāh for which He has given no authority, and saying things about Allāh of which you have no knowledge" [7:33].

The Messenger of Allāh said, "Beware of conjecture, for it is the most false form of speech." So $ijm\bar{a}$ is only if texts exists (it must be *mustanad*) otherwise it cannot be an $ijm\bar{a}$.

As for the ruling of divorced Muslim women Allāh, the Most Exalted says, "And so judge among them by what Allāh has revealed and follow not their vain desires" [5:49]. And He says, "And the religion (worship) will all be for Allāh Alone" [8:39]. So rulings in general all apply to every infidel whether male or female.

As for what is meant with the verse, "Those who accuse the *muḥṣanāt*" [24:4]. Private parts refer to *muḥṣanāt*, because there are no explicit texts or consensus indicating that accusing anything other than private parts warrants a *ḥadd*. Both textual evidence and consensus indicate that the prescribed punishment is only applicable when the accusation pertains to private parts. The Messenger of Allāh said, "The hands, feet, heart, and eyes commit *zinā*. The private part either confirms it or denies it." So *qadhf* pertains exclusively to private parts, and the prescribed punishment is enforced solely upon those who falsely accuse others in this context. Consequently, both men and women fall under this ruling, not only women.

⁴⁰⁵ Sahīh Al-Bukhārī 5143

They say, "Allāh ordered us to follow those of authority, it implies that if they order us using Ra $\bar{\tau}$ or $qiy\bar{a}s$, we must comply. Otherwise, Allāh would have solely emphasized obedience to Him and His Messenger in that $\bar{a}yah$, without mentioning anyone else, instead he also ordered us to obey those in authority." This statement is false because it implies attributing legislative authority to sources not sanctioned by Allāh, thereby illicitly permitting what is prohibited and obligating what is not, this is prohibited. Their false statement implies that the Messenger of Allāh could then also legislate without revelation from Allāh, because Allāh did not in that $\bar{a}yah$ mention obedience only to himself but also to his Messenger. We instead know that obedience is to nothing other than the truth and the truth is in nothing other than the words of Allāh and his Messenger. They unanimously concur that obedience to sinful acts, even when ordered by authority, is prohibited. And both Ra \bar{t} and $qiy\bar{a}s$ are sins.

We also say to them: Since you believe it is permissible to issue religious rulings using Ra $\bar{\imath}$ and $qiy\bar{a}s$, which Allāh and His Messenger did not or allow (and instead prohibited), do you believe this was allowed during the lifetime of the Messenger of Allāh or only after his passing? If they say, "During his lifetime and after his passing." It is said to them: So you believe it is permissible to nullify the rulings of Allāh and His Messenger, which they ordained, prohibited, and permitted, at will, just as someone might apostatize as they please, without distinction between decrement and increment in rulings, the one allowing this is an infidel. If they say, "It is allowed only after his passing." It is said to them: This constitutes issuing rulings without evidence and contradicts the $\bar{a}yah$ which they claim to cite as evidence. Moreover, there is no distinction between nullifying any rulings of Allāh and His Messenger at will, whether during his lifetime or after his passing. They lack evidence to justify any distinction between the two periods.

If they say, "Ra \bar{i} and $qiy\bar{a}s$ are permissible only in matters where Allāh and His Messenger have not explicitly legislated." It is said to them: This is something which does in reality not exist, The Messenger of Allāh said, "Leave me as long as I leave you, and if I order you to do something, do as much of it as you are capable, and if I prohibit you from something, then abstain from it." 406 If $qiy\bar{a}s$ would be the truth it would always be allowed at any time, and if it would be prohibited for some cases and permissible for

⁴⁰⁶ Sahīh Al-Bukhārī 7288

some it would require clear evidence for that specification. The narration emphasizes the impermissibility of opposing the Messenger of Allāh. Whatever he did not prohibit or order is permissible, and it is impermissible to oblige or prohibit anything beyond his words.

Every single thing that exists is governed by clear directives found in directly in Qur'an and sunnah, which dictate obligations, prohibitions, and permissions. Contravening these directives or distorting their meanings is prohibited. The rulings of Allāh and His Messenger are immutable and cannot be altered. Allah has invalidated any methods or directives that do not originate from Him, including obligations, prohibitions, and permissions. Allāh, the Most Exalted says, "I follow nothing except what is revealed to me" [6:50]. And Allah said to jinn and mankind, "And say not concerning that which your tongues put forth falsely, 'This is lawful and this is forbidden" [6:116]. Allah prohibited His Messenger from following anything not revealed to him, and He prohibited both *jinn* and mankind from inventing prohibitions or permissions not originating from revelation, declaring such actions as fabricated lies. So, their assumptions are declared false. Allāh's directives to His Messenger fall into two categories, with the second category further divided into two types. Firstly, there is the recited revelation (al-waḥī al-matluww), which comprises the words of Allāh—the Qur'ān. Secondly, there is the non-recited revelation (al-wahī al-matluww ghayr ul-manqūl), consisting of the words, actions, and acknowledgments of the Messenger of Allāh. All of these are revelations from Allāh. Allāh clarified this when He commanded, "Obey Allāh and obey the Messenger" [4:59]. Ensuring that the *jāhil* does not assume they are exempt from obeying Allāh and His Messenger in matters not explicitly mentioned in the Qur'an and sunnah, as both Allāh and His Messenger are to be obeyed.

There are two other types: What $ijm\bar{a}$ has narrated from the Messenger of Allāh and what singular $thiq\bar{a}t$ have narrated from the Messenger of Allāh. In this type difference of opinion occurred, then Allāh ordered obedience to what $ijm\bar{a}$ (those in authority) narrated from the Messenger of Allāh so that the $j\bar{a}hil$ does not think that he does not have to obey what $ijm\bar{a}$ narrates except if he hears what $ijm\bar{a}$ narrates physically from the Messenger of Allāh. And so that the $j\bar{a}hil$ does not think that he is not obliged to follow what singular $thiq\bar{a}t$ narrate except if $ijm\bar{a}$ has also narrated it. All of this is revelation from Allāh that his Messenger came to us

with. Allāh says, "And he does not speak out of desire it is only a revelation revealed [to him]" [53:3-4]. And Allāh says, "I follow nothing except what is revealed to me" [6:50].

Now we will with the help of Allāh clarify the falsehood of *qiyās* with certain authentic evidences. It is said to those who believe in *qiyās*: What you declare obligatory or prohibited based on *qiyās* or $Ra'\bar{i}$, who is the one that obliged or prohibited that issue, did Allah and his Messenger rule that or anything other than Allāh and his Messenger? There is no third option. If they say, "Allāh and his Messenger ruled it." This is a very evident lie, they are burdened to bring where they found Allāh and his Messenger rule it obligatory or prohibited. There is no difference of opinion that the ruling of Allāh and his Messenger are not known except through the words of Allāh and his Messenger, either from Qur'an or the narrations of the reliable narrators. If the ruling is not from any text from Allāh or his Messenger, then it is know with certainty that the one ascribing that ruling to Allāh and his Messenger is a liar without any doubt and has said about Allah without knowledge and this is made similar to shirk and a bequest from satan, Allāh the Almighty says, "My Lord has only forbidden immoralities, what is apparent of them and what is concealed — and sin, and oppression without right, and that you associate with Allah that for which He has not sent down authority, and that you say about Allāh that which you do not know" [7:33].

And if they say, "Someone other than Allāh and his Messenger prohibited it or declared it obligatory." This is false because it is an institution of a religion which Allāh has not ordained. Allāh the Most Exalted says, "Or do they have partners with Allāh who have instituted for them a religion which Allāh has not ordained?" [42:21]. As they concur that it is a method of deriving rulings that are not from the words of Allāh and His Messenger, they acknowledge that they have ruled which Allāh did not rule and institute as a religion which Allāh has not allowed, this is false by *ijmā*.

If they say, "The ruling was from Allāh and his Messenger but he they did not mention it." This is false without any doubt, it is not possible for Allāh and his Messenger to oblige us rulings without clarifying it to us. Allāh the Most Exalted protected us from that when he said, "Allāh does not burden a soul except what it is able to" [2:286]. It is not in our ability to ever know what Allāh and his Messenger intend except when He or His Messenger



clarify us, so this is false as no one can be burdened with that which they are unable to.

If they say, "The ruling is something Allāh and His Messenger have not said regarding it, but the Qur'ān and *sunnah* show an indication towards it." It is said to them, "Provide your certain evidences if you are truthful" [2:111]. Where is your certain evidences for it in the Qur'ān and *sunnah*? This does not exist, it is a mere claim that is free from certain evidences just as their claim that when Allāh prohibited the sale of wheat for more wheat that it inherently indicates the prohibition of selling figs for more figs, this is a mere claim with no evidences and a saying about Allāh which he did not say about himself.

There would only ever exist an indication for qiyas if Allah or His Messenger would have said, "If Allāh or His Messenger rule an issue, then rule everything that is similar to it from a certain aspect the same and use the *'illah* of any ruling from texts for any issue with no texts that goes along with that 'illah the same." If this exist it would be a clear obligation for qiyās, as for what they utter without knowledge and only depend on conjecture, none of it is an evidence. They believe the scholar is burdened to create as many rulings as possible because of that false method. While the Messenger of Allāh said, "Leave me as long as I leave you, for those who were before you were destroyed because of excessive questioning, and their differences to their prophets." Such an order does not exist from Allāh or his Messenger, and if it would be the case that it did exist, then all aḥkām would become invalid as Allāh, in all of His creation, has instilled similarities, everything sharing certain attributes, yet differing in their jismiyyah and 'ardiyyah. If such a saying would exist then it would necessitate that everything in the world is all the same ruling, either prohibited, obligatory or permissible. And this is impossible, it invalidates all of the sharī'ah we seek refuge in Allāh from this.

If they say, "The ruling of an issue is only given with the same ruling of what is similar to it if there are texts from the words of Allāh and His Messenger for that 'illah." This is false because it attributes statements to Allāh, which he did not say about himself. There is no way for us to know the 'illah, which is the sign of a ruling except if there are texts from Allāh and his Messenger clarifying it being the 'illah for that ruling. The method of using an 'illah which is from texts for qiyās would only be the truth, if Allāh

or His Messenger would have ordered, "If a ruling in the Qur'ān and sunnah is associated with an 'illah, then wherever that 'illah is found, apply the same ruling as the one associated with it." Such an order does not exist, neither within the texts nor within the aḥkam. Anyone that looks in to their use of 'ilal will ascertain its falsity, given the multitude of contradictions it entails such as their differences on the six types ribā occurs for ribā al-bay'.

Regarding their claim, "Allāh and His Messenger did not say anything directly about $qiy\bar{a}s$, but they indicated it." This is a mere claim that no one can substantiate. Bring forth the certain evidence for its obligation beyond mere claims, and bring the certain evidence that because of that the 'illah of ribā is weight, food, storage and that the 'illah of mahr is that a body part becomes permissible, and never will they bring any certain evidence.

And it is also said to them: If there is no ruling from Allāh for the method of Ra $\bar{\imath}$ and $qiy\bar{a}s$ which you use, then tell us how that ruling stands with Allāh. Does the ruling become the ruling of Allāh once you make a ruling with Ra $\bar{\imath}$ and $qiy\bar{a}s$ or does it not become the ruling of Allāh? There is no third option. If they say, "Allāh rules with our ruling once we make a ruling." The one saying such apostates as they position themselves rulers over Allāh compelling Him to abide by their devised rulings with Ra $\bar{\imath}$, $qiy\bar{a}s$, and 'ilal. Especially when all of their rulings with that method are contradictory, which among them represents what Allāh has ruled if this is your stance? Allāh is exalted above all such claims. And if they concede that Allāh did not rule with what they rule through Ra $\bar{\imath}$, $qiy\bar{a}s$, then they admit to legislating in the religion what Allāh has not legislated.

We also ask them: What is the precise necessity of *qiyās*? Is it for matters governed by texts or those lacking such texts for their rulings? There is no third option. If they claim, "For matters governed by textual evidence," then they admit to opposing and contradicting Allāh's orders, a stance no Muslim upholds. And if they argue, "We require it for matters that have no texts," as is their perspective, we say: Such a need does not exist; Allāh the Most Exalted invalidated it with His statement, "We have not neglected anything in the book" [6:38], and His statement, "Clarification for everything" [6:89]. Whatever Allāh and His Messenger did not inform us about is never obligatory, and we do not comprehend Allāh's intentions except through what is conveyed to us in the Qurʿān and *sunnah*.

Whoever likens anything in the texts to something else and does $qiy\bar{a}s$, uses an aspect he identifies between them to equate their rulings, whether due to a shared similarity or an *'illah* he perceives between them. No one is incapable of opposing the one using a certain $qiy\bar{a}s$ by applying the *'illah* the other used for other issues than what the former finds that *'illah* to be according to him, and no one is unable to find other similarities to establish similar rulings. Some may discern a different *'illah* for a ruling than what someone else assumes it to be, or someone might identify another similarity between issues and use that to establish uniform rulings. This is something that is filled in the books of those who believe in $qiy\bar{a}s$, all of them invalidate the $qiy\bar{a}s$ of each other.

And also it is posed to the adherents of *qiyās*: What is the difference between you and the one that prohibits *qiyās* because of the reason two issues differ in their attributes from certain aspects, even if they would be similar in other aspects. If they say, "If this were the case then *qiyās* would be false, but we also know that nothing exists in the world except that they are different from each other in some of their attributes." We say: Indeed, and we add to that, there is also nothing in the worlds except that they are similar to each other in some aspect. Then what justifies using the reason that they are similar in one aspect earlier and more likely than using the reason that they differ as the reason not to use *qiyās*?

Know that they are unable to provide any response to this question except to say, "We consider which aspect has the most similarity," or to say, "We do not use *qiyās* except with the 'illah of the ruling." It's said to them: Then you invalidate every single similarity except what has the most similarity. This clearly indicates that similarity in of itself does not mean that the rulings must be the same because if similarity in of itself would mean that the rulings are the same then it would lead to that a small similarity would also necessitate the same ruling even if it is from one aspect only. If a few similarities between two things do not necessitate that the rulings are the same then it indicates that *qiyās* that no *qiyās* is applies for any resemblance, whether much or less. If any resemblance would oblige *qiyās* then it would also for a few similarities. This applies for *ta 'līl* as well.

And it is said to them: What you believe about 'ilal does not cease to either be 'ilal that are mentioned and applied to certain rulings by Allāh and His Messenger, or 'ilal from any source other than Allāh and His Messenger.

If the 'ilal are from that which Allāh and His Messenger stated in the Qur'ān and sunnah, then we affirm and believe that the ruling which has come with that 'illah applies to nothing other than that specific ruling. It is not permissible to transgress it by applying that 'illah to other issues. Those who do so exceed the bounds, making rulings without certain evidence, relying on mere conjecture with no trace of evidence that the 'illah is what Allāh ordained for any issue that seems to share the same 'illah. If they fabricate 'ilal from sources other than the Qur'ān and sunnah, it is absolutely false because there is no certain evidence for this method, and all the concerns mentioned before apply here as well. There is no way out of this.

There is a group that claims it is possible for the rulings of the religion to originate from qiyās. This claim is false for the following reasons: Firstly, it contradicts $ijm\bar{a}$, no one before them ever suggested such a possibility. Secondly, it is impossible because if the religion originates, it is always without qiyās, as qiyās, according to all its believers, involves applying the rulings from the Qur'an and sunnah to an issue not mentioned in them. Qiyās inherently requires textual evidence; so, it cannot initiate itself. They agree that qiyās is separate from the Qur'ān and sunnah. Thirdly, it is said to those who believe in this: Are you not certain that Allah sent His Messenger, and there were people who believed and apostatized? Everyone who believed during that time was not obligated to perform any prayer, fasting, zakāh, ḥajj, talāq, 'itq, 'iddah, hudūd, prohibition of khamr, and other rulings of Islām, except what the women and Anṣār gave bay 'ah for on the night of al-'aqabah. The obligation of prayer was revealed two years after prophethood, and the obligation of zakāh, fasting, hajj, the rulings of talāq and hudūd, prohibition of khamr, zinā, and other rulings were revealed in Madīnah. So it is certain that the obligation of following the rulings only arises after the revelation reaches individuals. And that the prohibition and obligation of matters are solely from Allāh, conveyed through the tongue of the Messenger of Allāh. This was the state of Muslims without any distinction before the revelation was revealed and during the lifetime of the Messenger of Allāh. If rulings were to originate from qiyas, the sahabah would have known about it and used it, yet no Muslim among them ever claimed they could make rulings during the Prophet's lifetime # without his order. The people after the saḥābah are even further from it being permissible for them to do so. If they argue, "This was only during Prophet's lifetime," The answer is: Since you acknowledge it is not possible for anyone, you must provide certain evidence that this applies specifically to Prophet's time $\frac{1}{2}$ from the Qur'ān and sunnah and that anyone after his life is allowed to use $qiy\bar{a}s$ and Ra'ī. We seek refuge in Allāh from this belief, as it constitutes disbelief, permitting arbitrary rulings.

If they say, "Show us the falsehood of *qiyās* from texts." We say: Allāh the Most Exalted says, "And Allāh has brought you out from the wombs of your mothers while you know nothing" [16:78]. And He says, "He has taught you, which you knew not (before)" [2:239]. And He says, "Glory be to You, we have no knowledge except what you have taught us" [2:39]. And He says, "He only orders you to evil and immorality and to say about Allāh what you do not know" [2:169]. And He says, "So be afraid of Allāh; and Allāh teaches you. And Allāh is the All-Knower of each and everything" [2:282].

Allāh prohibited us with these texts from saying anything about Allāh that we do not know. Since *qiyās* is something He never taught us and has not mentioned anything about it, we are certain that it is false and harām to create ruling with it; it is not allowed to say anything about the religion using it. If Allāh willed it from us, then it would not be difficult for Him to clarify it. We are certain that Allah has made clear for us what He wants us to know and taught us in the Qur'an and through the sunnah. Anything that is not from these sources, Allāh does not want from us. The correct rule is that it is not allowed for anyone to say anything about Allah including his religion, except what He has taught us through His Messenger. No one has ever said that it is allowed to say anything about Allah and his religion until a prohibition reaches us because this allows lies about Allāh, which is mere kufr, without difference. Allāh says, "And say not concerning that which your tongues put forth falsely, 'this is halāl,' and 'this is harām,' so as to invent lies against Allāh. Verily, those who invent lies against Allāh will never prosper" [16:116]. *Qiyās*, according to everyone who believes in it, is something other than the Qur'ān and sunnah. Qiyās is prohibiting, obliging, or allowing that which is not prohibited, obliged, or declared allowed by texts.

Allāh indicates the prohibition of $qiy\bar{a}s$, He deems anyone who prohibits or allows what is not supported by texts as a liar against Allāh. Such $\bar{a}y\bar{a}t$ are general orders and prohibit any method that is part of it. The certain evidence for this is the verse, "O you who believe! Obey Allāh and obey the Messenger and those of you who are in authority. If you differ in anything, refer it to

Allāh and His Messenger, if you believe in Allāh and in the Last Day" [4:59]. Allāh did not ordain in the religion to refer any dispute to other than Allāh and His Messenger from His actions or sayings.

If they say, "But $qiy\bar{a}s$ is referring what is not manş $\bar{u}s$ to what is mans $\bar{u}s$, so this $\bar{a}yah$ then indicates the permissibility of $qiy\bar{a}s$." The answer: This claim is not exempt from the fact that what you conclude is either what Allāh and His Messenger ordered, said, or did, or it is anything other than that. It is undoubtedly anything other than what Allāh and His Messenger said, ordered, or did, and anything fitting this description is not what is referred to Allāh and His Messenger, so the obligation remains unfulfilled. Moreover, if it were as they claim, then all that was previously stated applies here too: no one knows the limits of *qiyās* with certain evidences from the Qur'ān and *sunnah*, no one knows what is correct from what is wrong, how it must be applied, when it must be applied, and all the certain evidences for the thirty-eight conditions they made up from the Qur'an and sunnah. There are no certain evidences of Allāh ever ordering or teaching us any qiyās. If it were as they claim, then anyone could claim any false Ra'ī or qiyās as "Referring the matter to Allāh and His Messenger." Instead Allāh did not allow returning to anything other than qiyās and ordered returning to nothing other than Qurʿān and sunnah. The falsehood of their claim is very evident.

As for the words of the Messenger of Allāh invalidating *qiyās*, it is narrated that he said, "O people Allāh has obliged *ḥajj*, so perform *ḥajj*." A man asked him, "Is it every year O Messenger of Allāh?" Then he remained silent till he was asked thrice. Then the Messenger of Allāh said, "If I were to say, 'yes,' it would become obligatory according to what you are capable of doing. Leave me as long as I leave you. Those before you were ruined due to their excessive questions and their disagreements with their prophets. If I command you anything, then do what you are able to do from it, and if I forbid you anything, then refrain from it."

This narration indicates the falsehood of *qiyās* because the Messenger of Allāh stated that there is no ruling except if he orders it, and no prohibition except if he prohibits it. Anything he orders must be carried out to the best of one's ability, and anything he prohibits must be abstained from. Anything he remains silent about is left as a mercy for us, allowing us to either do it or leave it. Anything beyond this is false, and *qiyās* is with certainty included

⁴⁰⁷ Sahīh Muslim 1337

within this falsehood. This narration emphasizes that his orders are obligations until he provides further clarification, and anything he prohibits remains prohibited until he clarifies otherwise. There is no necessity for him to repeat an order for it to become an obligation.

Another aspect of this narration that decisively invalidates $qiy\bar{a}s$ is Prophet's prohibition of asking questions. $qiy\bar{a}s$ essentially involves asking questions about obligations and prohibitions to fabricate 'ilal for the rulings, aiming to apply those rulings to other issues. By ordering everyone in general to refrain from questioning him until he issues a prohibition or obligation, the Messenger of Allāh prohibited ta ' $l\bar{\imath}l$ and obligates adhering only to what he commands and prohibits. Anything else before he issues a prohibition or obligation is disregarded and not to be considered.

Another clear indication that this narration declares $qiy\bar{a}s$ false is that the man did $qiy\bar{a}s$ on pilgrimage based on that prayers are repeated, and that fasting is repeated, and that obligatory alms are repeated. Then the Messenger of Allāh invalidated this $qiy\bar{a}s$, and he ordered them with that which Allāh ordered from abandoning questioning.

The Messenger of Allāh said, "Indeed Allāh has made obligations, so do not neglect them, and He has placed limits which you must not transgress, and he has remained silent about other matters out of mercy for you, not out of forgetfulness, so do not seek them out."

The Messenger of Allāh said, " $\mu al\bar{a}l$ is what Allāh made $\mu al\bar{a}l$ and $\mu ar\bar{a}m$ is what Allāh made $\mu ar\bar{a}m$, anything he is silent about is that which he had pardoned."

If they say, " $Qiy\bar{a}s$ is something that cannot be obscured from anyone; everyone knows it by necessity, and there is no need to clarify it." The answer: Cleaning oneself after relieving oneself is also a matter not obscured from anyone, yet it was clarified by Allāh and His Messenger. If even this is need to be clarified, then $qiy\bar{a}s$, which is according to them the fourth source of evidence in the religion, would be the most in need of it. How can there be no evidence for using a method as evidence in the religion? And let the one who says such reflect at the huge amount of differences in their 'ilal' and their differences in their furū'. If it were something everyone simply knows, then

 $^{^{408}}$ Sunan Al-Dāraquṭnī4/184

⁴⁰⁹ Sunan Al-Tirmidhī 1726

there would not be so many differences, the amount of differences to it are without any doubt more than the issue of excrement.

As for ijmā', the ummah has unanimously agreed that Allāh has clarified all rulings through the tongue of His Messenger. Whoever claims that qiyās is also clarified and ordered to be used must provide certain evidence, and there is no possibility for its existence. Let the one who believes in Allāh and believes in the narration from tarīq of Salmān, "Your Prophet teaches you everything, even excrement,"410 think: Why did the Messenger of Allāh leave the clarification of $qiy\bar{q}s$, its pillars, its conditions, whether it is obligatory or allowed only, when it must be carried out, and how, while it is from the $us\bar{u}l$ of the sharī'ah? Did the Messenger of Allāh not know, while he was given all good, that the 'illah for the six types of ribā al-bay' is food, weight, measure, and storing, yet he never clarified any of that? Allah says, "And your Lord is never forgetful" [19:64]. Anyone who comprehends even a small amount of this knows that such attribution cannot be attributed to the Messenger of Allāh, and everything he did not clarify is rejected. Allāh says, "He has explained to you in detail what is forbidden to you, except under compulsion of necessity? And surely many do lead (mankind) astray by their own desires through lack of knowledge" [6:119]. Knowledge is from none other than Allah, and without any doubt, we mankind lack knowledge about qiyās, its pillars, when it must be used, and how it must be used, the dozens conditions it has. It is this lack of knowledge that has led mankind astray by their own desires, without any doubt.

The <code>hanafiyyah</code> also agree that it is not allowed to perform any <code>qiyās</code> for issues of <code>hudūd</code> and <code>kaffārat</code>. ⁴¹¹ They are asked about the difference between these two issues compared to all other issues in the religion, and the one who twists these two for all other issues in the religion and allows <code>qiyās</code> in <code>hudūd</code> and <code>kaffārat</code> only, while prohibiting <code>qiyās</code> in everything else. The <code>shāfi'iyyah</code> do not allow <code>qiyās</code> as long as there are texts available ⁴¹², while Allāh the Most Exalted says, "We have not neglected anything in the book" [6:38]. As for the <code>mālikiyyah</code>, <code>qiyās</code> only originated from the latecomers among them, as it is narrated from Mālik that he prohibited <code>qiyās</code> and transgressing the texts and that he repented from every single <code>Ra'ī</code>.

⁴¹⁰ Saḥīḥ Muslim 262

⁴¹¹ Sharh Mukhtaşar al-Ţaḥāwī 2/417, 7/393

⁴¹² Al-Muhadhab by al-Shīrāzī 2/197

The one who uses *qiyās* is not a *kāfir* or even a sinner (*fāsiq*) if it is done with '*ijtihād*'; instead, he is rewarded once and excused, while his view, which was by means of *qiyās*, is wrong. If anyone were to pray towards other than the *qiblah* with *ijtihād*, not knowing the correct direction, they are rewarded once but mistaken and excused. If anyone prayed towards other than the *qiblah* on purpose without being forced to, believing it is correct while knowing the direction, they apostate without any difference of opinion. And if anyone changed the Qur'ān unknowingly, he is excused, mistaken, and excused, whether it be one letter, one word, or a whole Ayah. If he does it on purpose, he apostates without any difference. So none of them can follow those scholars in their *ijtihād*, which is known to be wrong; only what they are correct in is followed, which is then in reality nothing but the words of Allāh and His Messenger. Only those scholars who performed *ijtihād* are excused for a mistake, not the one who knowingly follows a wrong view.

Regarding the existence of every single upcoming issue being covered by the texts and *qiyās* not ever being needed, we will clarify this now by the will of Allāh. All of the religion of Islām is of three types with no fourth to it: obligatory (*wājib* and *fard* both are the same), the one not doing it sins; prohibited (*ḥarām*), the one doing it sins; and permissible (*mubāḥ* and *ḥalāl*, both are the same), the one doing it or leaving it does not sin. And we find that Allāh the Most Exalted says, "He it is Who created for you all that is on earth" [2:29]. And He says, "O you who believe! Do not ask about things which, if made plain to you, may cause you trouble. But if you ask about them while the Qurʿān is being revealed, they will be made plain to you. Allāh has forgiven that, and Allāh is Oft-Forgiving, Most Forbearing. A people asked such questions before you; then they became thereby disbelievers" [5:101-102].

These two Ayahs indicate that everything Allāh created is *ḥalāl* for us, not *ḥarām*, as He has created it for us, and that nothing is obligatory on us except what He and his Messenger have obliged us. And Allāh the Almighty has said, "He has clarified to you what is prohibited for you" [6:119]. And Allāh says, "O you who believe! Obey Allāh and obey the Messenger and those of you who are in authority. (And) if you differ in anything refer it to Allāh and His Messenger, if you believe in Allāh and in the Last Day" [4:59].

And the Messenger of Allāh said, "Leave me as long as I leave you. Those before you were ruined due to their excessive questions and their

disagreements with their prophets. If I command you anything, then do what you are able to do from it, and if I forbid you anything, then refrain from it."

All of this indicates that everything Allāh has prohibited on the tongue of the Messenger of Allāh is what he has clarified with its exact name. And everything he has prohibited, it is obligatory to leave it, and that everything he orders us must be done according to our ability. As long as there is nothing obligatory or prohibited, then it is allowed to leave or do it, and it is pardoned.

Allāh says, "He has explained to you in detail what is forbidden to you, except under compulsion of necessity? And surely many do lead (mankind) astray by their own desires through lack of knowledge" [6:119]. As for the proofs from the 'aql invalidating qiyās, the 'aql can never comprehend what is prohibited and what is allowed, and also not what is obligatory. Allāh the Most Exalted says, "O you who believe! If you obey and fear Allāh, He will grant you Furqān (a clarification to judge between right and wrong)" [8:29].

And He says, "O you who believe! Fear Allāh, and believe in His Messenger. He will give you a double portion of His Mercy, and He will give you a light by which you shall walk (straight). And He will forgive you" [57:28]. And He says, "They found one of Our slaves, on whom We had bestowed mercy from Us, and whom We had taught knowledge from Us" [18:65]. Allāh says, "So be afraid of Allāh; and Allāh teaches you. And Allāh is the All-Knower of each and everything" [2:282].

A Muslim must fear Allāh from becoming from these astray with his own desires without knowledge. Allāh says, "Truly, your Lord knows best who has gone astray from His Path, and He is the Best Aware of those who are guided" [16:125]. Whoever goes astray with his desires has transgressed in that which he has become misguided without difference, and He has clearly clarified what is prohibited. This covers every ruling in the world till the day of judgment.

With this, the summary concludes and all praise is due to Allāh. In the upcoming chapters, I will meticulously debunk every single argument put forth by the proponents of $qiy\bar{a}s$, by the will of Allāh, the Most Exalted. There is no power or strength except by Allāh.



Section: The Clarification For Every Single Verse They Mention In Detail

There is enough evidence from that which has preceded for the falsehood of $qiy\bar{a}s$, it was a very short and summarized, all of which will be clarified in detail, by the will of Allāh. Now we will clarify every single verse in great detail, and how none of them have any relation to any of them, and how most of them are in reality against them, by the will of Allāh, the Most Exalted.

Section: The Verse Regarding Saying '*Uff*' To The Parents

As for saying 'uff' to the parents. There is no evidence for any of the points they have put forth. In reality, these arguments stand as a clear evidence against their method, as their conclusions contradict their method of dalīl alkhiṭāb and mafhūm al-mukhālafah. They affirm with this method that anything not explicitly mentioned in the texts takes the opposite of what is clearly indicated, aligning with their approach. This implies that they permit actions beyond what is explicitly stated, it is then implies them to do the same for issues other than saying 'uff,' such as transactions involving currencies like dīnār and qinṭār, allowing consuming property other than wealth specifically, items smaller than a mustard seed or an atoms weight being invalid, allowing killing for reasons other than fear of poverty. All of these stand in contrast to the texts. In this light, their inconsistency becomes evident.

Some of our companions have answered this, they said, "As for the verse they mentioned, 'And your Lord has decreed that you worship not except Him, and to parents, good treatment. Whether one or both of them reach old age [while] with you, say not to them 'uff' and do not repel them but speak to them a noble word' [17:23]. Understanding these verses like these do not rely on $qiy\bar{a}s$; rather, they are contingent upon understanding the nuances of language usage. When Allāh prohibited saying 'uff' to one's parents, this prohibition was against using these two letters in Arabic to express annoyance, which is a minor form of disobedience. Some have even remarked that if there existed a lesser form of disobedience in the Arabic language than the word 'uff,' Allāh would have used it. The prohibition of saying 'uff' extends beyond the literal pronunciation of the two letters; it encompasses the broader meaning of causing harm. So the prohibition is not limited to merely pronouncing the letters alif and $f\bar{a}$ ' together but encompasses a more general meaning to them. This is akin to the function of

asmā' al-fi'l in Arabic, such as 'hāt,' 'halum,' and 'hā'.' When Allāh the Almighty says, 'Say, 'Bring (hātu) forth your proof if you are truthful'' [2:111] and when He says, 'Say, 'Produce (halum) your witnesses'' [6:150], it is not an order to say 'hātu' or 'halum,' but an instruction to grasp the intended meaning of these words by examining their contextual usage from $asm\bar{a}'$ al-fi'l. An excellent illustration of this understanding is when the Messenger of Allāh said, 'Gold for gold is $rib\bar{a}$ except if it is $h\bar{a}'$ and $h\bar{a}'$, silver for silver is $rib\bar{a}$ except if it is $h\bar{a}'$ and $h\bar{a}'$, wheat for wheat is $rib\bar{a}$ except if it is $h\bar{a}'$ and $h\bar{a}'$, dates for dates is $rib\bar{a}$ except if it is $h\bar{a}'$ and $h\bar{a}'$, dates for dates is $rib\bar{a}$ except if it is $h\bar{a}'$ and $h\bar{a}'$, 'halum,' and $h\bar{a}'$, 'halum,' and $h\bar{a}'$, 'halum,' and $h\bar{a}'$, wheat for wheat is $rib\bar{a}$ except if it is $h\bar{a}'$ and $h\bar{a}'$, dates for dates is $rib\bar{a}$ except if it is $h\bar{a}'$ and $h\bar{a}'$.''

The term $h\bar{a}$ is used to convey the idea of exchanging or transferring it between individuals. It is also an ism al-fi'l, the exact same as the other asmā' al-fi'l we discussed earlier. It is evident that the intention behind this narration can be fulfilled through various means, whether it involves verbal expression or actions. This can encompass a solitary action, vocalization, or a combination of both. If the sole basis for *ribā* consisted of this narration only, it might lead people to believe that vocalizing $h\bar{a}$ is obligatory when dealing with the sale of the six types of ribā. But it is evident from other narrations that that is not necessary and that it clarifies that asmā' al-fi'l are understood to carry a meaning with it, instead of only uttering the two letters. Because $h\bar{a}$ ' functions as an ism al-fi'l, it serves as a directive with a specific meaning, similar to other terms like 'sah' in Arabic, 'sah' is an ism al-fi'l that commands silence, carrying an inherent meaning, much like 'uff' which is also an ism al-fi'l with its own meaning. So it is incorrect to claim, as Al-Ghazālī did, that the only way to prohibit causing harm to parents through the use of the word 'uff' is by means of qiyās, as this contradicts the linguistic norms. In the Arabic language, the consideration of word meanings is a wellestablished practice, supported by linguistic authorities. Such as when Allāh the most Exalted said, 'And when the ignorant harassers address them, they say, 'Peace (salām)'' [25:63], the intended meaning encompasses more than just the word peace. It indicates the obligation of saying salām but also includes the use of words that indicate peace and discourage annoyance, provocation, and anger, as it is part of the meaning of that word. This aligns with the *tafsīr* of Mujāhid on the verse.

⁴¹³ Şaḥīḥ Al-Bukhārī 2174

Similarly, in the verse where Allāh says, 'And say to people, 'Good (husn)' [2:83], the instruction is not limited to uttering the word good but encompasses conveying virtuous words and actions. This also aligns with Abū 'Āliyah's $tafs\bar{\imath}r$ of the verse."

This is an answer that is not far from the truth, it indicates that the rulings understood from this verse are not because of *qiyās*. There are some aspects that are however inaccurate, what they said would only be the case if Allāh prohibited us from the verb of 'uff,' but he did not prohibit us from that and prohibited us only from uttering the letters instead, the certain evidence for this is that Allāh said, "Do not say to them, 'uff" [17:23].

The correct view by the will of Allāh, which no one is allowed to oppose, is that the prohibition against harming one's parents is only indicated by the next verse, which clearly indicates the prohibition on any harm in general. In the verse, the prohibition is confined to uttering 'uff' without any accompanying actions. Allah the Most Exalted says in the next verse, "And lower unto them the wing of submission and humility through mercy, and say, 'My Lord! Bestow on them Your Mercy as they did bring me up when I was young" [17:24]. This extends beyond mere verbal restraint. These words encompass the concept of iḥsān towards one's parents, emphasizing the need to interact with them respectfully, humbly, and compassionately. This entails lowering the wing of submission and humility before them and includes prohibitions against causing any harm through speech or actions to them. Furthermore, this verse obligates us to be kind and considerate towards our parents. There are also numerous narrations indicating the obligation of treating parents with goodness, and even any Muslim in general. It becomes clear that the prohibition against causing harm to parents is not at all derived from the prohibition of uttering the word 'uff.' If someone fails to show any kindness toward their parents without causing them harm, they are still committing a sin, as there exists an additional obligation to actively display goodness towards them, in addition to refraining from harming them. And if someone inflicts harm upon their parents, they not only defy the orders in the verses and narrations but also violate the principle of humbly submitting to and honoring their parents.

If the prohibition against causing harm to parents were solely derived from the prohibition of uttering the letters 'uff,' then the subsequent mention of lowering the wing of submission and humility towards parents in the next verses would lose its significance. It is indisputable that lowering the wing of submission and humility through mercy and the prohibition of saying 'uff' convey two different meanings, so it is impossible to equate the two. If we were to ask them: Did Allāh prohibit harming and killing the parents only through this verse or through other orders? None of them would hesitate to concur that it originates from many other orders. Allah did not restrict the expected behavior towards parents and harming them only through prohibiting uttering the letters 'uff,' it is false to claim that we can comprehensively understand the broader aspects of parental treatment solely through the prohibition of uttering these letters. Every word within the verse carries its specific meaning, and those who oppose our use a selective approach, using a few words while disregarding others, leading to inaccurate conclusions. Conversely, a comprehensive understanding takes all the words in the verse, it is the accurate understanding of the intended meaning, unlike their method of using some of the verses and abandoning it in other places. Like they did regarding *istinbāt* from the verse, "If they would have returned the matter to... Or to those of authority among them, then the ones who [can] draw correct conclusions from it would have known about it" [4:83]. They disregard what Allah the Most exalted said in the beginning of the Ayah, "And when there comes to them something [information] about [public] security or fear, they spread it around. But if they had referred it back to the Messenger, or to those of authority among them, then the ones who [can] draw correct conclusions from it would have known about it" [4:83]. The beginning of the verse invalidates their method of istinbat. They do the same with many other verses, another example is the verse that they prohibit reciting al-fātiḥah when being led in the prayer because of the verse, "When the Qur'ān is recited, listen to it attentively and be silent, so you may be shown mercy" [7:204]. They disregard what comes after it, because Allah said directly after that, "And remember your Lord within yourself, humbly and with fear and without loudness in words in the mornings, and in the afternoons and be not of those who are neglectful" [7:205].

Among the other certain evidences that the prohibition of uttering 'uff' to parents does not encompass a prohibition on causing harm beyond the specific letters 'uff' is a scenario where, for instance, Zayd kills or inflicts severe injury upon 'Amr, along with falsely accusing him of adultery and spitting on his face. If witnesses who observed this incident were to claim that

Zayd merely said 'uff' to 'Amr, intending to encompass all of Zayd's egregious actions, their testimony is false and unanimously rejected by consensus. It's worth pondering how those who concur with our perspective, acknowledging that such a claim would be false, can still argue that 'uff' may imply causing harm beyond its literal expression. By claiming this, they indirectly attribute falsehood to Allāh, and we seek refuge in Allāh from ever implying that the prohibition of saying 'uff' to parents implies a prohibition on harming, killing, or slandering them, if it would not be for the Arabic language, without evidences from texts. Clearly in such a case in the Arabic language, terms like killing, hitting, or slandering are not synonymous with 'uff.' It is universally understood that 'uff' solely signifies the prohibition on uttering the letters 'uff' and nothing more.

We also say to them: If someone says to you, "Do not say 'uff' to me!" Do you understand from this inherently that you must not slander him, harm him, spit on him, kill him and not inflict any harm at all on him? No one with correct senses can understand something like this from this order.

Ibn 'Arabī said, "For example, when a man hits his father with a whip, *ahl ul-qiyās* say, 'There are no texts according to us regarding this issue, but since Allāh the Most Exalted said, 'And do not say to them 'uff',' the prohibition on saying 'uff' is established, and that is very little, hitting with a lash is more severe. Allāh guides us here to apply what is lesser to what is more severe, so *qiyās* must be used. Saying 'uff' and hitting with a lash are similar under the aspect of harming, so we draw a *qiyās* here to hitting with a lash which is *maskūt* from the prohibition of saying 'uff' which is *mantūq*.'

As for us, we say: We do not have the authority to impose anything on Allāh which is permissible upon the people, especially in this case. Even if nothing besides this was mentioned by Allāh or His Messenger, we would still not resort to *qiyās*, nor would we return the matter to the prohibition of saying 'uff.' Instead, we rule according [harming the parents only according] to what Allāh the Most Exalted said, 'And lower unto them the wing of submission and humility through mercy, and say, 'My Lord! Bestow on them Your Mercy as they did bring me up when I was young' [17:24]. Here, Allāh the Almighty made it general, so we apply this ruling to everything that is not *iḥsān* in general towards parents, and lashing parents is not from *iḥsān*. So



we only rule according to the words of Allāh and His Messenger (and do not use the two letters 'uff' alone to prohibit harm)." 414

This verse only indicating the prohibition of uttering the letters 'uff' is also the view of Mujāhid⁴¹⁵, Yaḥyā Ibn Sallām³³ and Ibn Ḥazm. And Allāh is the source of strength.

⁴¹⁴ Futuḥāt Al-Makkiyyah 1/559-560

 $^{^{415}}$ Mawsūʻah Al-Tafsīr Al-Maʻthūr 13/113, 42776

³³ Mawsūʻah Al-Tafsīr Al-Maʻthūr 13/114, 42782

Section: The Verses Regarding The Size Of A *Qinṭār*

They mention the verse, "But if you intend to replace a wife by another and you have given one of them a *qintār*, take not anything of it back" [4:20]. They say, "So whatever is below and above the amount of a *qintār* falls under the ruling of prohibition to take it back from them, and this can only be known through *qiyās*."

They also mention the verse, "And among the People of the Scripture is he who, if you entrust him with a $qint\bar{a}r$ he will return it to you. And among them is he who, if you entrust him with a [single] coin, he will not return it to you unless you are constantly standing over him [demanding it]. That is because they say, 'There is no blame on us to betray and take the properties of the illiterates (Arabs).' And they speak untruth about Allāh while they know [it]" [3:75]. They say, "So whatever is less or more than a $qint\bar{a}r$ and whatever is less or more than a $d\bar{i}n\bar{a}r$ takes either the ruling of the amount of a $qint\bar{a}r$ or a $d\bar{i}n\bar{a}r$, and this is not mentioned in the verse and only known through $qiy\bar{a}s$."

The answer: Allāh mentioning *qinṭār* in the verse of the dowry and entrusting wealth to infidels, it cannot be inferred that any amount other than a *qinṭār* assumes the ruling of a *qinṭār*. A *qinṭār* always is one *qinṭār*. This understanding is indicated by the verse, "Either keep [her] in an acceptable manner or release [her] with good treatment. And it is not lawful for you to take anything of what you have given them unless both fear that they will not be able to keep [within] the limits of Allāh. But if you fear that they will not keep [within] the limits of Allāh, then there is no blame upon either of them concerning that by which she ransoms herself. These are the limits of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers [i.e., the unjust]" [2:229]. This verse clarifies that it is prohibited for the husband to take anything he gives to his wife whether the amount is much or less, except if he fears he won't be able to



keep within the limits of Allāh. And Allāh the Most Exalted says, "But if they give up willingly to you anything of it, then take it in satisfaction and ease" [4:4].

Without these verses and other similar ones, as well as the narrations that prohibit unjustly seizing wealth from both a Muslim and a *dhimmī*, and also the prohibition against reclaiming gifts, there would be no prohibition against taking from her more or other than the amount of one *qinṭār* and other than a *qinṭār*. The certain evidence for this is that if two witnesses testify that Zayd owes 'Amr one *qinṭār*, then anything other than this specific amount, whether more or less, or other than it would rule their testimony false beyond any doubt. Similarly, if 'Amr explicitly says, "Take for me from him one *qinṭār*," it is impossible for the recipient to take more or less than one *qinṭār*. This principle applies universally, whether it concerns anything mentioned by Allāh or an exact number specified by Him.

There is no difference between making such a false claim here and applying the same method to anything else mentioned by Allāh, implying that it could be more or less than stated by Allāh or His Messenger, and that when Allāh mentions a specific amount, that it is more, less or other than that. It is said to them: According to your method, perhaps when Allāh tells us about the seven heavens, He means more than that; maybe there are ten or fifteen heavens. Making such claims and holding such beliefs is from the gravest forms of falsehood.

In the mentioned verse, Allāh the Most Exalted tells us that when it comes to entrusting $d\bar{n}d\bar{r}$ or $qint\bar{d}r$ to the infidels, they betray our trust, regardless of whether the property in question is of small or great value. Allāh says, "There is no blame on us to betray and take the properties of the illiterates" [3:75]. There is in this a possibility made that the people of the book can betray us in general, no matter the amount. It is undeniable that even before the revelation of this verse, there were both among the infidels and the Muslims those who fulfilled their trusts, whether in small or substantial amounts, and there were also those who violated these trusts, irrespective of the quantity involved. This behavior is inherent to human nature, where some may fulfill their obligations to a lesser degree but pretend otherwise, while others frequently breach trust for various reasons. So claiming that $qint\bar{d}r$ refers to amounts lesser or greater than it has no value, as these distinctions were already well-understood and recognized.

If they ask, "What, then, is the benefit of the verse if we were already familiar with its meaning before its revelation?" We say: The benefit derived from it is manifold and significant. Among these benefits is the reward attained for reciting it while firmly believing that it is from Allāh. It serves as a reminder for us to contemplate the exalted power of Allāh and encourages us to reflect upon how Allāh enlightens us about the diverse nature of the individuals He has created. Among them are those who betray trust, and among them are those who faithfully return what has been entrusted to them. This is the same, when Allah the Most Exalted says, "Then do they not look at the camels - how they are created?" [88:17]. And when Allāh says, "And We have sent down blessed rain from the sky and made grow thereby gardens and grain from the harvest" [50:19]. The knowledge of these natural phenomena were known prior to the revelation of these verses. These verses only emphasize, are admonitions, lessons, and reminders, urging us to seek rewards by contemplating the might of Allah and remembering Him. They encourage us to reflect upon His signs in the world around us, deepening our faith and understanding. Allāh mentioning qintār is the same as him mentioning asking forgiveness seventy times, when he says, "Ask forgiveness for them, [O Prophet], or do not ask forgiveness for them. If you would ask forgiveness for them seventy times, never will Allāh forgive them" [9:80].

Allāh, in His omniscience, is aware that He will elucidate the intended meaning—that He does not accept any forgiveness from or for any disbeliever at all. This understanding aligns with numerous other verses and narrations. We emphasize repeatedly that questions like these are false; Allāh is never interrogated about His actions. It is we who will be held accountable for every single thing we utter and every action we undertake. And Allāh is the source of strength.



Section: The Verses Regarding Examples With Small Sizes And Property

As for the verse, "And We place the scales of justice for the Day of Resurrection, so no soul will be treated unjustly at all. And if there is [even] the weight of a mustard seed, We will bring it forth. And sufficient are We as accountant" [21:47]. And the verse, "So whoever does an atom's weight of good will see it, And whoever does an atom's weight of evil will see it" [99:7-8]. They say about these verses, "Anything that is lesser than an atom's weight takes the same ruling as an atom's weight."

The answer: We only know about anything that is other than an atoms weight, or anything that is much or less than an atoms weight, when Allah the Most Exalted said, "What is this book that leaves nothing small or great except that it has enumerated it? And they will find what they did present [before them]. And your Lord does injustice to no one" [18:49]. And when He said, "And their Lord responded to them, 'Never will I allow to be lost the work of [any] worker among you, whether male or female" [3:195.] And when Allāh said, "And everybody will be paid, in full, for what he has earned" [3:25]. These verses clarify that whatever is more or less than the size of a mustard seed, or an atom is counted and will be compensated in full for what the soul earned. Similar is when Allāh says, "If there should be anything to the measure of a mustard seed, and it be (hidden) in a rock or in the heavens or in the earth, Allāh will bring it forth. Surely, Allāh is All Aware" [31:16]. We know what is lesser than this size and what is other than it, when Allāh the Almighty said, "And there exists no moving (living) creature on earth except that its provision is due from Allāh" [11:3]. Allāh made any provision general and to this, what is less or more than a mustard seed then enters the meaning of the verse mentioned previously.

This is the same with every single other text. Allāh says, "And do not consume one another's food (wealth) unjustly" [2:188]. We know that this is not only about food but about every property owned in general by a Muslim

or dhimmī in general. We know that taking any property besides food is also prohibited from the Muslims as the Messenger of Allāh said during hajjah al-wad \bar{a} ' in general, "Your blood, your property, and your honor are forbidden to be violated by each other." This also indicates that it is not allowed to eat and take the property of the orphans. If it is said, "Then what about burning their property or destroying it, which is not the same as taking it in false means or eating it." The answer: Taking can also mean to destroy which is another manqūl meaning of akhd. And all of this is also prohibited by Allāh in general, he said, "And do not come near to the orphan's property except to improve it" [17:34]. And the Prophet # also said in general as mentioned before, "Your blood, property, honor are for each other prohibited."416 These words of the Prophet # prohibited doing anything to the property of the Muslims in a manner other than what he ordered, this encompasses the prohibition of destroying, taking and eating the property of another Muslim without right. The Messenger of Allāh also prohibited us in general from doing any injustice to a dhimmī which rules taking, eating or destroying any of their property without right as prohibited.

If it would not be for all the general prohibitions and the evidence that akl is manqūl, these verses would not indicate the prohibition of taking any property other than food from another Muslim or dhimmī. They agree with us that Allah only prohibited eating for the one that fasts and that the prohibition on eating food then did not inherently imply that Allah also prohibited him from owning food and also not property other than food. From here the falsehood becomes apparent about the claim that the prohibition on consuming food unjustly, inherently must mean prohibition on taking property other than food. They concur with our view that it is permissible to partake of food from the households of both parents, friends, and close relatives, as Allāh clearly stated in the verse, "There is not upon the blind [any] constraint nor upon the lame constraint nor upon the ill constraint nor upon yourselves when you eat from your [own] houses or the houses of your fathers or the houses of your mothers or the houses of your brothers or the houses of your sisters or the houses of your father's brothers or the houses of your father's sisters or the houses of your mother's brothers or the houses of your mother's sisters or [from houses] whose keys you possess or [from the house] of your friend. There is no blame upon you whether you eat together

416 Sahīh Al-Bukhārī 6785

or separately" [24:61]. If they were to uphold the validity and necessity of $qiy\bar{a}s$, insisting on its obligatory use, as they claim, then they oblige applying it consistently as it is necessary for them. This would imply them to allow the taking of property other than food from both parents, friends, and close relatives, as they claim that consuming food inherently encompasses taking property other than food. Their inconsistency becomes evident as they do not use $qiy\bar{a}s$ in this manner.

Moreover, they do not prohibit the sale or acquisition of property by a fasting person, assuming that food is prohibited for consumption, which, according to their understanding, must include property other than food. This inconsistency indicates their abandonment from $qiy\bar{a}s$. We instead know that there is text and $ijm\bar{a}$ on the understanding that consuming the wealth of others specifically is not only about eating their food only and that it is about taking every single other form of property. So the order specifically not to consume wealth itself means not to take any property in general. We know from a language perspective that eating (akl) in Arabic is also meant to mean taking (akhd), $manq\bar{u}l$ (a change in the meaning) from its specific meaning in the language to a different one.

Allāh the Most exalted says, "And those, whom you invoke or call upon instead of Him, own not even a *qiṭmīr* (the thin membrane over the datestone)" [35:13]. Allāh's statement in other verses clearly indicates that those whom people invoke or call upon instead of Him have no ability to cause harm, benefit, or even hear. So, based on this quality alone, it is evident that they possess absolutely nothing, also not what is smaller than a *qiṭmīr*. This principle applies to every argument they put forth. Had Allāh not explicitly mentioned this and had it not been discernible from a linguistic perspective, it would have been impermissible to exceed the boundaries set by the textual evidence, and one would have been obligated to affirm only what is explicitly stated. Allāh the Almighty says, "And whoever transgresses the limits of Allāh, it is those who are the wrongdoers" [2:229].

Regarding their claim that when someone says to someone, "Do not give him a seeds size," that it implies something smaller than a seed's size, we respond by stating that, firstly, this understanding is based on the comprehension of language and is not related to *qiyās*. Secondly, it is not necessarily understood from this sentence alone that the person who says it

⁴¹⁷ Sharh Al-Kāfiyah Al-Shāfiyah 1/418, 171

means something smaller than the size of a seed. This sentence could convey three potential meanings: more than the size of a seed, less than the size of a seed, or exactly the size of a seed. To clearly indicate that the person intends something smaller than the size of a seed, they would need to further specify, saying, "Do not give him anything, not even a seed." This is a common way people express themselves, and anyone claiming otherwise contradicts both rationality and the principles of language. This is something unrelated to the topic of *qiyās*.

If they mention the verse, "Or do they have a share in the dominion? Then in that case they would not give mankind even a $naq\bar{\imath}r$ (speck on the back of a date-stone)." [4:53]. We say: Allāh the Most exalted also says, "Say [to them], 'If you possessed the depositories of the mercy of my Lord, then you would withhold out of fear of spending" [17:100]. Allāh mentioned here withholding from spending in general which includes what is lesser than $naq\bar{\imath}r$ and also what is other than a $naq\bar{\imath}r$. And Allāh is the source of strength.

Section: The Verses Regarding Infanticide Due To Poverty

They mention the verse, "And do not kill your children for fear of poverty. We provide for them and for you. Indeed, their killing is ever a great sin" [17:31]. They say, "So we know that killing children for reasons other than fear of poverty also falls under the ruling of the prohibition, which is not mentioned in the verse and can only be known through *qiyās*."

The answer: The prohibition on killing own children without the clause of fearing poverty is known from the words of Allāh the Most Exalted, "They will have lost who killed their children in foolishness without knowledge and prohibited what Allāh had provided for them, inventing untruth about Allāh. They have gone astray and were not [rightly] guided" [6:140]. And the verse, "And do not kill the soul which Allāh has forbidden, except by right. And whoever is killed unjustly. We have given his heir authority, but let him not exceed limits in [the matter of] taking life. Indeed, he has been supported [by the law]" [17:33]. And the verse, "And when the girl [who was] buried alive is asked. For what sin she was killed" [81:8-9]. And the Messenger of Allāh said, "Your blood, your property, and your honor are forbidden to be violated by each other." So it is prohibited through general orders and specified orders by its wording and there is no place for qiyās in this issue. And Allāh is the source of strength.

Section: The Verses Regarding Obedience To Those In Authority

They mention the verses, "You are the best nation produced [as an example] for mankind. You enjoin what is right and forbid what is wrong and" [3:110]. And the verse, "O you who have believed, obey Allāh and obey the Messenger and those in authority among you" [4:59]. They say, "Allāh did not specify that we must only obey those in authority if what they say is from the $wah\bar{\iota}$, it is instead general, even if the authority orders $qiy\bar{a}s$, so we must obey them in that as well."

The answer: Allāh has never ordered, nor permitted those in authority to say regarding *qiyās*, nor has He allowed them to say whatever they wish. Their obligation is solely as ordered by Allāh to say what they hear from the Prophet , to obtain understanding in the religion which he has revealed to His Prophet and to warn with that the people, as Allāh the Most Exalted said, "And hold firmly to the rope of Allāh all together and do not become divided" [3:103]. And He said, "These are the limits (rulings) of Allāh, so do not transgress them" [2:229]. And He said, "And do not pursue that of which you have no knowledge" [17:36]. And He said, "[Shaytan] only orders you to evil and immorality and to say about Allāh what you do not know" [2:169]. It is evident that anyone that speaks using *qiyās*, without a doubt, violates Allāh's decrees, as it is making unwarranted claims about Allāh and His commands, which He has never said about Himself and His religion.

When Allāh mentions those in positions of authority, it pertains to every single authority, not some, meaning $ijm\bar{a}$ and they never had an $ijm\bar{a}$ on the use of $qiy\bar{a}s$ as they admit themselves. How can we be ordered to follow in that which they differed. This is against Allāh's order as Allāh the Most Exalted says, "If it had been from [any] other than Allāh, they would have found within it much contradiction" [4:82]. And a certain evidence is that Allāh the Most Exalted said, "Whoever transgresses the limits of Allāh has wronged himself" [2:229]. His limits are his rulings which is all clarified

by Allāh and His Messenger. It is not for anyone to transgress anything from the words of Allāh and His Messenger. So it becomes false that the authority can ever have an $ijm\bar{a}$ which transgresses the limits of Allāh because that is false. We have agreed that they do not have an $ijm\bar{a}$ on that which is false. Everything that is not from the limits of Allāh which is his revelation is from other than Allāh by necessity. And Allāh the Most Exalted said, "If it had been from [any] other than Allāh, they would have found within it much contradiction" [4:82]. So there can never be any $ijm\bar{a}$ except what has come from Allāh from $wah\bar{\iota}$, which has absolutely ended after the passing of the Prophet $\tilde{*}$, so it is impossible for there to exist $ijm\bar{a}$ on other than texts. Those in authority are those who narrate what they hear from the Messenger of Allāh.

We get to know about the Messenger of Allāh through three manners, *khabar ul-wāḥid*, *mutawātir* and *ijmā* which are those of authority. All of these are directly from the Messenger of Allāh and none of these are things that came into existence after the Messenger of Allāh which the Messenger of Allāh did not prohibit, permit or oblige from the authentic narrations.

They mention the verse, "O you who believe! Obey Allāh and obey the Messenger, and those of you (Muslims) who are in authority and if you dispute over anything, refer it to Allah and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59]. They say, "Allāh has made obedience to those in authority obligatory, just as He has made obedience to the Messenger # and Himself obligatory, suggesting no distinction between them. If obedience to those in authority was limited to what they narrate from the Messenger , there would be no purpose in reiterating the command for obedience to those in authority, as obedience to the Messenger is already binding. It would suffice for Allāh to command obedience to Himself and the Messenger alone if, according to their perspective, obedience to the Messenger # and those in authority is the same. So it is necessary to exclude what would be redundant and include in this definition that Allah has commanded obedience to those in authority in matters of Ra \bar{i} and $qiy\bar{a}s$ where there is no explicit textual evidence from Allāh and His Messenger . And Allāh says, 'And when there comes to them something [information] about [public] security or fear, they publicize it. But If only they had referred it to the Messenger or to those charged with authority among them, the proper investigators would have understood it from them

(directly). And if not for the favor of Allāh upon you and His mercy, you would have followed Satan, except for a few' [4:83]. This is similar to the previously mentioned verse. Allāh also said, 'But whoever opposes the Messenger after guidance has become evident to him and follows other than the way of the believers, We will turn him towards what he has turned to and roast him in Hell—and what an evil destiny!' [4:115]. They faced severe threats for opposing the path of the believers, making it an obligation to adhere to their consensus, whether it be based on Ra' $\bar{\iota}$ or $qiy\bar{a}s$. The Messenger of Allāh also said, 'A group of people from my n will continue to obey Allāh's command and those who desert or oppose them shall not be able to do them any harm. They will be dominating the people until Allāh's Command (day of judgment).' It is, then evident that the n mathematical manner of the Prophet cannot unanimously agree on falsehood, as he foretold the perpetuity of those who faithfully follow Allāh's command. So their n on matters of n and n and n and n are n and n and n and n are n and n and n and n and n are n and n and n are n and n and n are n and n are

The answer: Their claims about these verses to validate $ijm\bar{a}$ on $Ra'\bar{i}$, and $qiv\bar{a}s$ is false. While many of the narrations indicating $ijm\bar{a}$ of the ummahare not authentic, their meanings are still the truth. We do not oppose them on the validity of $ijm\bar{a}$. Our disagreement with them lies in two aspects of their claims. Firstly, their allowance for the existence of ijmā' without certainty that it is from the Prophet , in the manner clarified before. Secondly, their claim of $ijm\bar{a}$ in cases where there is no certainty of unanimity, as there is still room for differences of opinion. Such claims are still cases of *ikhtilāf*, which contradicts the concept of $ijm\bar{a}$. In reality, they themselves oppose $ijm\bar{a}$ ' qat' \bar{i} , as it will become evident soon, by the will of Allāh. There is no hujjah (evidence) for them in any of the narrations they mentioned. The narration where the Prophet said, "Indeed Allah will not gather my ummah upon misguidance,"418 or any other narration that regarding $ijm\bar{a}$ ' from the Messenger of Allāh, he merely indicated that the ummah does not have $ijm\bar{a}$ on misguidance at any time, not even for a second. This implies that there will always be someone among them standing up for the truth, and the narration indicates the presence of ikhtilāf rather than ijmā'. These narrations do not indicate that there will be any time where the entire ummah has an $ijm\bar{a}$, let alone indicating that they will have an $ijm\bar{a}$ on anything other than the texts. The narration is only a *khabar* that the *ummah* will never

418 Jāmi Al-Tirmidhī 2167

have an $ijm\bar{a}$ on falsehood and that if they have an $ijm\bar{a}$ then the $ijm\bar{a}$ is in reality nothing other than a certainty that it is from the Prophet . Every single other $ijm\bar{a}$ claim is falsehood, not $ijm\bar{a}$ and also not what the Prophet referred to in the narration. The narration indicates the continuous existence of those who advocate for the truth. This is the essence of the narration. So when the Messenger of Allāh said, "My ummah will not unite on misguidance," misguidance is only the words of other than Allāh and His Messenger.

The mujtahid that is wrong is also not misguided, he is instead rewarded once for his intention to seek the truth, only the false view is rejected. As for the verses, "O you who believe! Obey Allah and obey the Messenger, and those of you (Muslims) who are in authority and if you dispute over anything, refer it to Allah and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59]. And the verse, "But whoever opposes the Messenger after guidance has become evident to him and follows other than the way of the believers, we will turn him towards what he has turned to and roast him in Hell—and what an evil destiny!" [4:115]. All of these are evidences against them rather than in their favor. That is because Allāh did not threaten solely those who deviate from the way of the believers only. The way of the believers cannot include opposition to the Messenger of Allah #, and anything not in the rulings of Allāh and His Messenger is opposition to Him, deserves the same warning. The way of the believers is nothing other than obedience to the Qur'an and the authentic sunnah of the Prophet . Any legislation that emerges without textual evidence from the words of Allāh and his Messenger are not part of the way of the believers; rather, it belongs to the way of kufr. Allāh says, "The only saying of the faithful believers, when they are called to Allāh to judge between them, is that they say, 'We hear and we obey.' For those are the successful (who will live forever in Paradise)" [24:51]. This is the definitive way the believers, as derived from the words of Allāh. There is no other path that can be the way of the believers apart from this. So, that verse has no evidence or support for any of their claims. We clarified these verses and narrations before.

As for the verse they mentioned where Allāh says, "O you who believe! Obey Allāh and obey the Messenger, and those of you (Muslims) who are in authority And if you dispute over anything, refer it to Allāh and

the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result" [4:59]. And the verse, "And when there comes to them something [information] about [public] security or fear, they publicize it. But If only they had referred it to the Messenger or to those in authority among them, the proper investigators would have understood it from them (directly). And if not for the favor of Allāh upon you and His mercy, you would have followed Satan, except for a few" [4:83].

There is a difference regarding the definition of those in authority. According to Abū Hurairah, they are solely the rulers. And According to Mujāhid, Al-Ḥasan, 'Ikrimah, and 'Aṭā', they are the jurists. As there is no specification whether those in authority refers only to only the jurists or the rulers, it becomes necessary to use the apparent meanings without restricting it to a specific other meaning, the apparent meaning implies using all definitions of a word other than the majāz, and these are the apparent definitions of the word. A restriction is permissible only with clear evidence; otherwise, it is tagwīl of Allāh what Allāh Himself did not specify. If Allāh intended to refer to some of those in authority, the full meaning would have been clarified. We would not be left in a state of ambiguity regarding the intended meaning. So it must be understood in its general sense, encompassing both definitions. This certainty is undeniable and must not be contradicted. Claiming that Allah commands us to obey the rulers in matters not sanctioned by Allāh or His messenger is entirely false. Obedience to both the rulers and the jurists is equivalent and becomes obligatory only when it aligns with what Allāh and His Messenger # have ordained.

And as for what their claim, "If Allāh had intended the meaning you claim, He would have mentioned obedience to the Messenger of Allāh only, then it would be equivalent to obedience to those in authority, but He the Most Exalted instead mentioned both separately, this indicates that there is separate obedience to both and that one is different from the other and that they are not the same." This is false, because if one claims that obedience to Those in authority applies to matters of Ra $\bar{\imath}$ and $qiy\bar{a}s$, but not to what was revealed to the Messenger of Allāh from Allāh, because of the reason Allāh mentioned obedience to the Messenger of Allāh separately from those in authority, their claim implies then that Allāh's order to obey the Messenger of Allāh after commanding obedience to Himself the Most Exalted indicates that there is obedience solely to what Messenger of Allāh said

based on his own judgment, excluding what was revealed to him by Allāh. Because Allāh had already stated the obligation of obeying Him, making a repetition unnecessary. This false understanding presents a glaring inconsistency in their methodology, it is against the consensus of the *ummah*. By permitting the possibility that the Messenger of Allāh introduced *shara'i'* other than what was revealed to him by Allāh, they diverge from the collective agreement of the *ummah*.

Their approaches in this matter are all false. Allāh the Most Exalted ordered the Messenger of Allāh ** to say, when He said, "I follow nothing except what is revealed to me" [6:50].

And Allāh says, "When you do not bring them a sign, they say, 'Why do you not invent one?' Say, 'I follow only what is revealed to me by my Lord. This Book is nothing but evidence from your Lord and a guide and mercy to true believers" [7:203].

And Allāh says, "And follow what is revealed to you, and be patient until Allāh will judge. And He is the best of judges" [10:109].

And Allāh says, "And follow that which is revealed to you from your Lord. Indeed Allāh is All-Aware of what you do" [33:2].

And Allāh says, "Say, 'I am not different from the other messengers, and I do not know what will be done with me or with you. I follow nothing except what is revealed to me, and I am only a clear warner" [46:9].

And Allāh says, "I have chosen you (for prophethood), So listen to that which will be revealed (to you)" [20:13].

And Allāh says, "I am obliged to say nothing concerning Allāh except the truth" [7:105].

And Allāh says, "And what is there, after truth, but error?" [10:32].

And Allāh says, "I have not said to them anything except what You have ordered me to" [5:117].

And Allāh says, "They said, 'Do we have any say in the matter?' Say, 'Indeed, the matter belongs completely to Allāh'" [3:154].

And Allāh says, "And he does not speak out of desire it is only a revelation revealed [to him]" [53:3-4].

Allāh affirms in regard to the Messenger $\stackrel{\text{def}}{=}$ that he speaks only from the revelation $(wah\bar{\imath})$ sent to him and follows nothing except what Allāh reveals to him exclusively. So it is entirely baseless for any new sources of deriving rulings to emerge at all. Allāh repeating the order to obey him, the

Messenger and the authority indicate nothing other than obedience to the revelation alone. And Revelation is nothing other than the words of Allāh and His Messenger from texts, and this cannot ever change after the passing of the Messenger of Allāh.

Allāh mentioned obedience to His Messenger after he mentioned obedience to Him, so the ignorant cannot claim there is no obedience to the Messenger. If there would only be obedience to the authority the ignorant would say there is no obedience to the Messenger of Allāh except what we hear physically from him, But since we are obliged to obey the authority from the Muslims and also at the same time Allāh and His Messenger the obligation has become clear to adhere to what the scholars narrate about the Messenger of Allāh, Praise be to Allāh.

If they claim, "There remains then no meaning in the verse where Allāh says 'And if you dispute over anything, refer it to Allāh and the Messenger, if you believe in Allāh and the Last Day" [4:59]. For what is conveyed to us from Allāh and His Messenger, it is obligatory upon us to accept and adhere to it, regardless of whether there is agreement or disagreement among scholars. If Those in authority were already the authorities from whom we must accept their narrations, whether there is disagreement or agreement, then what significance would remain in the verse that commands us to refer matters to Allāh and His Messenger. Why are we ordered to obey the authority if we must refer any disagreement to the Qur'ān and sunnah alone?"

The answer: There is not in the verse, "If you dispute over anything, refer it to Allāh and the Messenger," any opposition to the obligation of adhering to the authority. All of that is nothing other than solely the obligation to adhere to the Qur'ān and *sunnah* only, nothing else. There is however in the verse, "If you dispute over anything, refer it to Allāh and the Messenger," an additional meaning which is not in the previous verses, which is the prohibition of making *taqlīd* of anyone and a limit to follow nothing other than the Qur'ān and *sunnah*. All Muslims unanimously concur that the Messenger of Allāh ordered us first to pray towards *bayt al-maqdis* for a while, then he ordered us to abandon that direction and ordered directing the prayers towards Mecca, so it becomes obligatory. And that the Prophet believed by the same for every other ruling. Would you then stop praying the five daily prayers and fasting and

prohibit them if every single human on earth would prohibit it after the passing of the Prophet $\stackrel{\text{def}}{=}$, if they say, "Yes," they apostate. If they say, "No," they have made a clear difference between obedience to the authority and to the Prophet $\stackrel{\text{def}}{=}$. If they say, "That is impossible, it is not possible for them to gather on that because its *kufr* and misguidance," then they have spoken the truth, it is likewise impossible for them to gather on any ruling which Allāh and His Messenger did not order, with Ra $\tilde{\tau}$ or $qiv\bar{a}s$ without any difference.

If they say, "*Ijmā* ' *sukūtī* and further agreements indicate that it was something that the Messenger of Allāh had ordered, permitted or prohibited."

The answer: We answered this in the greatest of details before, so see the complete answer there, this view is false for many reasons: Firstly, they agree that $ijm\bar{a}$ is an agreement that comes into existence sometime after it did not exist yet, after the passing of the Messenger of Allāh. There is then no difference in their claim and in believing that there was $ijm\bar{a}$ on the opposing view of the $ijm\bar{a}$ before the $ijm\bar{a}$ they are claiming and then those who differ as that $ijm\bar{a}$ takes place, they are instead the $sh\bar{a}dh$ ones as no one among them can claim that one is more of an $ijm\bar{a}$ than the other.

Secondly, there is no such thing as the $sah\bar{a}bah$ physically attending a certain place to gather on a view and also not them seeking to gather on a view and announcing the establishment of an $ijm\bar{a}$ which no one is allowed to oppose, there are only scenarios of them seeking advice from each other, unrelated to $ijm\bar{a}$. All the claims of $ijm\bar{a}$ on issues are only when the companions hold views separately, not aware of the others or views that are known of them without any of them actively seeking to establish a firm agreement.

Thirdly, the number of *ṣaḥābah* in one case of *ijmā* is very limited.

There is no such thing as the <code>ṣaḥābah</code> calling the people around them or the whole town to agree on an issue. If they would have been burdened by Allāh to come to an agreement which did not exist before the passing of the Messenger of Allāh, it would never be difficult for them to easily announce it everywhere, as that view would have been from the revelation in that case and Allāh has protected the revelation. As we know that it is not from Allāh, this never happened and none of them ever said, "We are ordered from Allāh to come to an agreement."

Fourthly their corrupt view leads them to the saying that Allāh did not preserve the religion through the Messenger of Allāh and needs non-

ma'ṣūmīn (fallible men) after the passing of the Messenger of Allāh, by burdening them to come to an agreement after the opposite view was additionally being practiced.

Fifthly, according to them Allāh burdens non-ma'
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Sixthly, there are many narrations from $sah\bar{a}bah$ inquiring each other if their view is from the Messenger of Allāh or not . If it would be the case that their own views without them ever attributing it to the Prophet, is from the Prophet while they did not attribute to Prophet then they would not ask each other if they got it from Prophet. Seventhly, the $sah\bar{a}bah$ taught everything they knew from the Messenger of Allāh, by ascribing it to the Prophet, as Allāh has without any doubt preserved the Religion and the $sah\bar{a}bah$ know the danger of hiding any knowledge from the Prophet, it is then from the most false beliefs to assume that anything they do not ascribe to Prophet while it is from the Prophet, such an obligation that their $ijm\bar{a}$ means that it is from $wah\bar{i}$ must require a text from Allāh and his Messenger which does not exist.

Seventhly, it is possible that they remained silent because they did not know the issue, or they later changed their view, this is very common.

And lastly, what is more deserving to be said regarding their claim, "Because of the reason there is $ijm\bar{a}$ ' $suk\bar{u}t\bar{\iota}$ we know it is from the Prophet," Is: Because of the reason we know there is no authentic texts from the Prophet regarding this $ijm\bar{a}$ ' $suk\bar{u}t\bar{\iota}$ we know that it is not from the Prophet. We resolved this in entirely before in the chapters about $ijm\bar{a}$ ' and all praise is for Allāh.

And everything we mentioned just before applies here as well. All praise be to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great.



Section: The Verses Regarding Inheritance

They mention the verse, "If it is a man that dies leaving a sister, but no child, she shall have half the inheritance. If (such a deceased was) a woman, who left no child, her brother takes her inheritance" [4:176].

They say, "You say that inheritance is only after debts and after bequests, and this is not in the verse, you only say this based from $qiy\bar{a}s$ drawn of the rulings of other verses about inheritance."

The answer: This is a grave mistake, we do not affirm inheritance after bequests and debts because of $qiy\bar{a}s$, but rather, it is explicitly from texts. The Prophet \cong would attend funerals and inquire if the one that passed away had unpaid debts, if the answer was 'Yes,' he would inquire if there were anyone that pays it off for him. If the answer was 'No,' he would order praying for the deceased but he himself would not. 419

And the Prophet $\stackrel{\text{\tiny{def}}}{=}$ said that everything from the martyr is forgiven except his debts. 420

And the Prophet also said, "Your brother is detained (from entering *jannah*) by his debt, so pay it off for him." 421

And the Prophet also in general ordered *waṣiyyah* of one third, and we know that a debt by default after the passing is the property of the creditors, so it belongs to them first and after that the remaining property is used for *waṣiyyah* and then inheritance, the Prophet said, "You give one third, which is still a lot. To leave your heirs rich is better than to leave them poor and begging from people." ⁴²²

So the Prophet # made inheritance for everyone and did not specify it for the brother, sister or others. So it is established by necessity that there

⁴¹⁹ Sunan Abī Dāwūd 3343

⁴²⁰ Sahīh Muslim 1886

⁴²¹ Musnad Ahmad 33/310, 20124

⁴²² Sahīh Al-Bukhārī 1295

is no inheritance for anyone except after the debts are paid off and then the bequest is carried out, so the falsehood of their claims have become clear.

We then reverse the question mentioned against them and say: If you apply the principle of qiyās, on the verse of kalālah based from qiyās on the remaining inheritance rulings then you commit yourself to the obligation of providing food as kaffārah for unintentional killing, when the offender is incapable of fasting or freeing a slave, derived from the rulings of zihār and those who engage in sexual relations during the daytime of ramadān. Do not make a difference between these two matters, as Allah as mentioned in both verses freeing a slave and then fasting two consecutive months. Then in one of these cases, Allah explicitly mentions the requirement of giving food, apply then on the *maskūt* here, the ruling, which is mentioned in the other, especially since you have already done such a qiyās on the maskūt from of freeing a slave for zihār to obliging it as there are texts for obliging it for killing unintentionally. This is the exact same, then what makes this qiyās more deserving of the ruling than the qiyas of feeding as a compensation for fasting applied for killing unintentionally and is instead false. If it were only for the amount of contradiction and confusion, we seek refuge in Allāh from being deserted.



Section: The Verses Regarding Twenty Muslims Against Two Hundred Infidels

They say, "The verses about two hundred Muslims winning against two hundred infidels is abrogated because of the *qiyās* that one hundred Muslims can win against one thousand infidels. Allāh the Most Exalted says, 'If there are from you one hundred [who are] steadfast, they will overcome two hundred. And if there are among you a thousand, they will overcome two thousand by permission of Allāh. And Allāh is with the steadfast' [8:66]. And He says, 'If there are among you twenty [who are] steadfast, they will overcome two hundred. And if there are among you one hundred [who are steadfast], they will overcome a thousand of those who have disbelieved." [8:65]

The answer: This is false because there is no $ijm\bar{a}$ on this, and there is also no clarification of the abrogation. It is not permissible for any Muslim to declare that a verse or narration is abrogated unless supported by other authentic textual evidence. This is because obedience to Allāh and His Messenger is obligatory, and abrogation involves replacing one obligation with another. Claiming abrogation without evidence is ascribing falsehood to the Messenger of Allāh , which is without doubt rejected. The only valid way for an abrogation to be established is through authentic textual evidence; otherwise, the person making such a claim is falsely attributing falsehood. However, if there is no evidence for them, their view is false and mistaken, but they are excused for their $ijtih\bar{a}d$ if they genuinely sought the truth.

The verses only indicates the obligation to advance towards the polytheists in war and indicates that once engaged in battle, it is impermissible for any of us to flee from any polytheist on the face of the Earth, except in the case of strategic planning or joining another group of Muslims. The verses clarify that if we remain patient, even one hundred of us can prevail against two hundred. This doesn't imply that a smaller or larger group than one hundred cannot prevail against a larger force like ten

thousand. As Allāh the Most Exalted says, "And when Saul went forth with the soldiers, he said, 'Indeed, Allāh will be testing you with a river. So whoever drinks from it is not of me, and whoever does not taste it is indeed of me, excepting one who takes [from it] in the hollow of his hand. But they drank from it, except a [very] few of them. Then when he had crossed it along with those who believed with him, they said, 'There is no power for us today against Goliath and his soldiers. But those who were certain that they would meet Allāh said, 'How many a small company has overcome a large company by permission of Allāh. And Allāh is with the patient" [2:249]. This indicates how Allah supports those among us who display patience, regardless of our numerical strength. The verse that mentions a hundred of us prevailing against two hundred represents just a portion of our potential, much like the verse that indicates a hundred of us can overcome a thousand. Both of these instances are not exhaustive demonstrations of our capabilities with Allāh's permission, as any numerical scenario is attainable, as emphasized in the preceding verse where Allah the Most Exalted said, "They said, 'There is no power for us today against Goliath and his soldiers. But those who were certain that they would meet Allah said, 'How many a small company has overcome a large company by permission of Allāh. And Allāh is with the patient" [2:249]. Allāh did not specify in this verse a specific number that can defeat a specific number, but made it completely general.

They say, "What is then the significance of Allāh repeatedly mentioning the specific numbers defeating a larger force?"

We say: The significance of this repetition holds numerous and profound benefits. Among them is the reward one gains from reciting these verses, firmly believing in their divine origin from Allāh, and reflecting upon the exalted might of Allāh. This repetition is no different from Allāh's recounting of the story of Mūsā in various places in the Qur'ān, with some passages offering more detailed narratives while others provide similar details. It's akin to Allāh's mention of blessings like prayers, grapes, and datepalms, and even His repetition of the verse. So which of the favors of your Lord would you deny thirty one times in Sūrah al-Raḥmān. Inquiries into the reasons behind Allāh's choices are only raised by individuals who question His existence, but as long as we recognize that Allāh sometimes delivers general statements followed by more specific explanations, no one must delve further into questioning His wisdom. And Allāh is the source of strength.



Section: The Verses Regarding The Angels' Usage Of *Qiyās* Before The Cursed Iblīs

Some of them also claim that the angels used *qiyās* before Iblīs, the cursed. Because of the verse, "And (remember) when your Lord said to the angels, 'Verily, I am going to place (mankind) generations after generations on earth.' They said, 'Will You place therein those who will make mischief therein and shed blood, while we glorify You with praises and thanks and sanctify You.' He (Allāh) said, 'I know that which you do not know'" [2:30]. The answer: even if the angels used $qiy\bar{a}s$, there is no evidence in this to use qiyās in aḥkām, and it instead would then invalidate qiyās. The angels never used a *qiyās* to attribute it to the *ahkām* of the religion. It is possible to ask based on an event that occurred previously, and none of that is *qiyās*. They never affirmed their question, Allāh also said regarding the angels as mentioned previously that they never act except if they are ordered to, which invalidates everything from qiyās. And if this should mean qiyās of their method then Allāh rejected it from them clearly, as Allāh said to them directly after they used *qiyās*, "I know that which you do not know." Later the angels said, "Glory be to You! We have no knowledge except what You have taught us. You are truly the All-Knowing, All-Wise" [2:32]. So this in reality invalidates qiyās clearly if it should indicate any qiyās. Their words are also not from our *sharī'ah*, it is not allowed to follow the *sharī'ah* of the Prophets of before and the Angels are Prophets. Allah, the Most Exalted said, "To each among you, We have prescribed a law and a clear way" [5:4]. And Allāh is the source of strength.

Section: The Verses Regarding Hunting

They mention the verse, "O you who believe, do not kill game when you are in *iḥram* (state of consecration for *ḥajj* or '*umrah*). If someone from among you kills it deliberately, then compensation (will be required) from cattle equal to what one has killed, adjudged by two upright men among you" [5:95].

This verse, the verse of I 'tibār and the verse where Allāh says, "We said, 'Strike him (the dead man) with a piece of it (the cow). Thus Allāh brings the dead to life" [2:73] are among the matters adherents to $qiy\bar{a}s$ use as an evidence for $qiy\bar{a}s$ the most and none of them is in reality an evidence for them.

When it comes to the verse related to hunting, it is not a single trace of evidence for $qiy\bar{a}s$. This verse alone neither orders the use of $qiy\bar{a}s$ nor negates it altogether. $Qiy\bar{a}s$ would only be applicable here if someone attempted to extend this ruling to situations beyond hajj and 'umrah, such as obligating compensation for the killing of someone's cattle. Even if we were to consider this as a form of $qiy\bar{a}s$, it would imply that all $qiy\bar{a}s$ is valid only when judged by two upright men among us, as the same verse mentions attaches the ruling with, "With two upright men from among you judging it" [5:95]. They differ on this verse, a minority of them even say that a $qiy\bar{a}s$ is only valid if two upright men judge it as we mentioned in the chapter regarding the conditions of $qiy\bar{a}s$. Others such as Abū Ḥanīfa weakened using these verses as evidence for $qiy\bar{a}s$ in the religion.

A case from this issue could only ever be $qiy\bar{a}s$ if they would say, "Just as we are ordered to recompense from the same animal when we kill what is prohibited to kill during ihram, it is then also obligatory because of that reason to recompense an animal we kill outside ihram, if that animal is in the ownership of someone."

There is in the verse nothing other than that the compensation must be the same as what was hunted from cattle. This is something that we do not and cannot reject. Everything in the world resembles each other in some of their attributes. What we only reject is $qiy\bar{a}s$, which is to actually create rulings for issues which is not covered by the Qur'ān and the *sunnah* of the Messenger or $ijm\bar{a}$ the same ruling as what is covered because of some similarity between them. In this verse, it is very clear, even to someone with a modicum of comprehension, that Allāh does not order us to make rulings. Let alone Him ordering to make rulings on issues which he did not mention in the revelation the same ruling as what he did mention in His revelation due to a similarity between the two. And Allāh is the source of strength.

Section: The Verses Regarding Transgression On The Sabbath

Some of them mention the story about the Jews who were prohibited from working on the Sabbath, but they schemed to catch fish indirectly that day. They dug pits or set traps on Friday, allowing fish to gather on the Sabbath (Saturday) when they appeared abundantly. Then, on Sunday, they collected the fish, claiming they had not violated the Sabbath directly.

So they say, "They were blamed while they did not do work, so they were obliged to understand by making a *qiyās* that indirect work was also prohibited, by Allāh's mere prohibition from working on the Sabbath."

Ibn Taymiyyah said, "The story has been mentioned by several well-known *mufassirīn* of the Qurʿān in similar wording. It was narrated by al-Suddī in his *tafsīr*, which he reported from Abū Mālik and Abū Ṣāliḥ, from Ibn ʿAbbās, and from Murrah and others, from Ibn Masʿūd and other Companions of the Prophet .He (al-Suddī) said, 'On the Sabbath, no fish would remain in the sea without emerging, such that they would raise their snouts out of the water. But on Sundays, they would completely disappear until the next Sabbath. This is the meaning of Allāh's words, 'When their fish would come to them openly on their Sabbath day, and on the day they had no Sabbath, they would not come to them' [Al-A'rāf: 163].'

Allāh, the Exalted, prohibited the Jews from doing any work on the Sabbath. However, some of them desired fish, so one of them dug a pit and connected it to the sea by a channel. On Saturday, the waves would bring the fish into the pit. The fish would try to escape but were unable to due to the small amount of water in the channel, so they remained in the pit. On Sunday, the person would come, take the fish, and prepare them. As he grilled the fish, his neighbor would smell it, ask about it, and then do the same as he had done.

It is also said that they would set traps and hooks on Friday and retrieve them on Sunday. This is the view mentioned by Qāḍī Abū Yaʿlā. They continued this practice for a time, their wealth increased, and no

punishment befell them. Their hearts grew hardened, and they became emboldened in sin, saying, 'We do not see the Sabbath as anything but lawful for us.' When they persisted in this, the people of the village divided into three groups: one group abstained and forbade others, another abstained but did not forbid, and a third violated the sanctity of the Sabbath. The conclusion of the story is well-known.

A similar narration was narrated from al-Ḥasan al-Baṣrī, as reported by Ibn 'Uyaynah from a man, from al-Ḥasan, regarding Allāh's statement: 'Those who transgressed in the matter of the Sabbath' [al-Baqarah: 65]. He said: 'They threw the fish into the Sabbath, left them in the water, then extracted them later, cooked them, and ate them. By Allāh, it was the most disgraceful meal eaten, for it hastened punishment in this world and brought severe torment in the Hereafter. By Allāh, the meat of those fish was no greater to Allāh than the blood of Muslims, except that He hastened punishment for those people and delayed it for others.'

Al-Ḥasan's statement, 'They threw the fish into the Sabbath,' means they schemed to have the fish caught in the water on the Sabbath. As others have clarified, they dug basins for the fish, opened them on Friday evening, or threw traps into the water on the Sabbath and left them until Sunday. They then extracted the fish on Sunday. He did not mean that they directly placed the fish on the Sabbath, as had they done so, they would have retrieved them as well—unless they interpreted their action of throwing the traps as not constituting hunting, since what was prohibited was the act of hunting itself."

We say: None of the texts of the Qur'ān and also not in authentic narrations from the Prophet indicates that they transgressed by working indirectly, Allāh, the Exalted, has only said about this in His Book: "And you had already known about those who transgressed among you concerning the Sabbath, and We said to them, 'Be apes, despised.' So We made it a deterrent punishment for those who were present and those who succeeded them and a lesson for those who fear Allāh" [Al-Baqarah: 65-66].

And He said, "O you who were given the Scripture, believe in what We have sent down confirming that which is with you, before We obliterate faces and turn them toward their backs or curse them as We cursed the Sabbath-breakers" [Al-Nisā': 47].

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⁴²³ Al-Fatāwa al-Kubrā 6/25-27

And He said, "And ask them about the town that was by the sea, when they transgressed in the matter of the Sabbath – when their fish came to them openly on their Sabbath day, and the day they had no Sabbath they did not come to them. Thus did We test them because they were defiantly disobedient" [Al-A'rāf: 163].

And He said, "And when a group among them said, 'Why do you advise [or warn] a people whom Allāh is [about to] destroy or punish with a severe punishment?' They [the advisers] said, 'To be absolved before your Lord and perhaps they may fear Him'" [Al-A'rāf: 164].

And He said, "And when they forgot that by which they had been reminded, We saved those who forbade evil and seized those who wronged with a wretched punishment because they were defiantly disobedient" [Al-A'rāf: 165].

And He said, "So when they were insolent about that which they had been forbidden, We said to them, 'Be apes, despised'" [Al-A rāf: 166].

There is nothing more to it than this, so the claim that they transgressed on the Sabbath by means of indirect work is false as it is a specification without $burh\bar{a}n$, they instead openly worked not indirectly as the wordings of the solemn promise imply. So it becomes invalid for it to imply any $qiy\bar{a}s$.

And also it has been said: They cast their nets on the night of the Sabbath and collected them on Sunday. The fish were caught and became entangled in the nets on the Sabbath itself. In reality, they violated the commandment of the Sabbath and effectively caught the fish on the Sabbath. So they went against the explicit command of Allāh, which is His saying: "Do not transgress in the matter of the Sabbath," and they indeed transgressed on the Sabbath.

And also Allāh described them as transgressors on the Sabbath as He willed, none of that obliges $qiy\bar{a}s$ as a fourth source of evidence in the religion, their rulings were different from ours and they had their $shar\bar{\iota}'ah$ which is not for us. So these claims are entirely invalidated.



The Verses Regarding *Tayammum*

They mention the verse, "And [if you] find no water, then seek clean earth" [4:43]. And the verse, "And a believing slave [is] to be freed. And whoever does not find one must fast for two consecutive months" [4:92]. They say, "You used *qiyās* regarding the one who finds or has money, that they then must buy water for ablution, if they cannot find water you do not allow *tayammum* before they have tried to buy it with their own money. You do the exact same for freeing a slave and for fasting."

The answer: This is a false understanding, because Allāh uses the word, "yajid," this indicates any resource that can be used to free a slave is acceptable. As long as any resource is available, it exempts a person from fasting. This applies for the *kaffārah* for someone who has intercourse during the daytimes of *ramaḍān*.

Regarding tayammum for those without water but with the means to purchase it, then it is the exact same, Allāh the Almighty said regarding it, "tajidū," wujūd here is the same as before that anything must be used to get it which includes money as well. Except that the one who does not have water or cannot find it does not have to buy water for ablution or ghusl, the price of the water does not matter and even if the water is bought then ablution or ghusl from it remains invalid and tayammum becomes obligatory with no other option. He has to buy it if the seller gives it without price. If he asks it for ablution then it must become his, if he gives it to him for ablution then he does ablution with it. The Messenger of Allāh prohibited selling water. It is narrated on the authority of Iyās Ibn 'Abd Al-Muzanī, "Do not sell water, for I heard the Messengers of Allāh forbidding the sale of water." As for buying water, for having no other choice, or being unable to find any water except that it is being sold, or being forced to buy it. Then it is permissible to drink such water, to use it for ablution and ghusl as there is no other way. As

⁴²⁴ Al-Musannaf by Ibn Abī Shaybah 4/351, 20948

it is permissible in such a case then *tayammum* becomes also invalid in such cases.

The Prophet ## prohibited the sale of water, and this prohibition extends to buying water. Acquiring water through such means is obtaining it by false means. If water is obtained through false means, the person who purchases it does not have valid ownership over that water, and using water that one does not own is not permissible. Allāh the Most Exalted says, "Do not consume one another's property unjustly." In situations where water cannot be found except through means involving actions that are by default prohibited like theft or unauthorized selling, the obligation arises to purchase the water out of necessity and the fear of not finding any alternative water source. If there is enough water left after consumption, performing ablution with it is also permissible. When one is compelled to purchase water due to a lack of alternatives or the unavailability of any water source except through purchase, or if one is forced to use such water, it becomes permissible to do so. As water is permissible for use in that case, ablution must be performed with it, and there is no need for tayammum, tayammum becomes also invalid. The wealth acquired by selling such water is false, as the seller takes without right and sells what the Prophet seplicitly prohibited, so he must have give it for free. A person in such a position is in a situation akin to someone forced to consume carrion or swine when they have no other food available to them for survival. In dire circumstances, where sustenance is only obtainable through that specific means, purchasing it becomes a necessity for survival. The act of using money to free prisoners or combat injustice falls within the same category of extreme necessity. If the seller only asked money for the bottle with no price for the water, it is permissible to buy from it. As for asking water as a gift and giving it as a gift with no exchange for it, then that has no prohibition in it at all. Ownership from gifts is a valid right.

If, according to their understanding, this is a matter of *qiyās*, then they must adhere to the saying of Al-Ḥasan, which entails expending ones entire wealth to gain ownership of the water required for ablution. As per this perspective, as long as a person has the means to pay for it, regardless of how expensive it may be, they are considered a *wājid* for it, and *tayammum* must not be performed as long as they can purchase it. This aligns with their stance on someone unable to find a slave to emancipate; they argue that a person remains obligated to do so as long as they can afford a slave, regardless of the

price, provided they can still support their family after the purchase. In essence, they claim that apart from what is necessary to sustain their family, all of their wealth should be dedicated to freeing the slave. So, to remain consistent, they must uphold the same principle for individuals who can only obtain water for ablution through purchase, lest they contradict their own method. And Allāh is the source of strength.

The Verses Regarding Eating In The Houses Of The Relatives

They mention the verse, "[There is no blame] on yourselves when you eat from your [own] houses or the houses of your fathers" [24:61]. They say, "Allāh did not explicitly mention the permissibility of the father eating what he finds in the houses of the sons and daughters, so it must be considered permissible by drawing a *qiyās* from the houses of the father."

We say: The permissibility of eating what is in the houses of sons and daughters does not stem from *qiyās*. It is derived from Allāh the Almighty saying, "[There is no blame when you eat from houses] whose keys you possess" [24:61]. The Prophet also said, "The best (most pure) food that a man eats is that which he has earned himself, and his *walad* (and his child's wealth) is part of his earning." And the word *walad* encompasses both genders in Arabic.

If they base their conclusion of this on a *qiyās* drawn with the houses of the father, then they are obliged to apply the same principle and omit the *hadd* punishment against the son if he engages in sexual intercourse with a slave-girl owned by the father, just as they do not enforce the *hadd* punishment on the father if he has intercourse with a slave-girl owned by his son. If they are consistent, they must treat the son and father equally in all matters related to their rights and responsibilities, just as they did with the permissibility of eating from the houses of the son. Failing to do so clearly indicates a contradiction in their argument. And is against the conditions of *qiyās*. And they are the same ones that believe an *'illah* is only valid if it is consistent as we showed in the chapter of the conditions of *qiyās*, the same applies for every other chapter. And Allāh is the source of strength.

⁴²⁵ Sunan Ibn Mājah 2137



The Verses Regarding A Woman Showing Herself To The *Mahārim*.

They mention the verse, "There is no blame upon them (women) concerning their fathers or their sons" [33:55]. And the verse, "And tell the believing women... Not expose their adornment except that which [necessarily] appears thereof and to wrap [a portion of] their headcovers over their chests and not expose their adornment except to their husbands, their fathers, their husbands fathers" [24:31]. They say, "According to you this ruling encompasses all *maḥārim* who have the right to see the woman, while they are not mentioned in the verses, such as uncles and cousins. Only the husband, fathers and the father of the husband are mentioned."

The answer: Them being included in the ruling is not based on $qiy\bar{a}s$. It is in line with the orders of the Prophet \ref{a} , who directed ' \Tilde{A} 'isha to allow her uncle to visit her to see her, \ref{a} And the Prophet \ref{a} also ordered a woman to travel only with a mahram. \ref{a} So all $mah\Tilde{a}$ is the source of strength.

⁴²⁶ Sunan Ibn Mājah 1949

⁴²⁷ Sahīh Muslim 1338

The Verses Regarding Whom It Is Prohibited To Marry

They mention the verse, "Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your fathers sisters, your mothers sisters, your brothers daughters, your sisters daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives mothers, and your stepdaughters under your guardianship [born] of your wives unto whom you have gone in. But if you have not gone in unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already occurred. Indeed, Allāh is ever Forgiving and Merciful" [4:23].

They say, "According to you this ruling encompasses a broader range of individuals, such as the daughters of sons, subsequent generations like granddaughters, great-granddaughters, and so on. You also argue for the inclusion of daughters of daughters and their descendants. You also propose extending this to grandmothers and preceding generations (her parents). You further include paternal aunts from the father's side, as well as grandfathers, maternal aunts, paternal aunts from mothers, and grandmothers, along with maternal aunts. While none of these are mentioned in the verses.

The answer: This claim is false; all of these are explicitly addressed. In the Arabic language, any offspring, whether male or female, from the lineage and descendants of sons, daughters, and their subsequent generations are collectively referred to as sons and daughters. This linguistic understanding is also indicated from the verse, "O children of Ādam!" [7:26].

Both parties, us and them, are in agreement regarding the clear $ijm\bar{a}$ on the prohibition of marrying certain relatives. We prohibit marriage with the mother, grandmother, whether from the father's or mothers' side, and any ancestors preceding them. Marriage is also prohibited with the daughter, granddaughter, and any descendants after them, including daughters of sons

and their subsequent generations. The prohibition extends to marrying a sister, daughters of brothers or sisters, and anyone descending from them. It is also forbidden to marry paternal and maternal aunts, as well as anyone preceding them in lineage. Marriage is also prohibited with the mother, grandmother, and their ancestors. Lastly, it is not permissible to marry the mother of a slave girl with whom one is allowed to engage in sexual intercourse, nor is it allowed to marry her grandmother or any ancestors preceding them.

When Allāh said, "O children of Ādam!" [7:26]. It signifies that Allāh has established us as the children of Ādam, and offspring of a child are also referred to as children. Similarly, regarding grandparents and ancestors preceding them, they are also referred to as mothers and fathers, as Allāh says, "O children of Ādam, 'Do not let Satan put you in trouble the way he had your parents expelled from Paradise" [7:27].

The grandmother is, in any possible case, either the mother of the father, the mother of the grandfather, the mother of the grandmother of the mother, or the grandmother of the grandmother of the grandfather. She is in any of these cases always a mother, and Allāh says, "O children of Ādam! Do not let Satan deceive you as he tempted your parents out of Paradise" [7:27]. And it is not allowed to marry the mother.

And the sister can be a stepdaughter from either the father's or mother's side, or from the same parents. She can also be a daughter of the daughter, daughter of the son, or have other familial connections. All of them are daughters. Allāh says, "O children of Ādam" [7:26]. The Messenger of Allāh also said, "This is something Allāh prescribed for the daughters of Ādam." And it is not allowed to marry the sister. The great-granddaughter of the brother, the daughter of the son of the brother, are all daughters of the brothers, and the granddaughter of the sister and the daughter of the son of the daughter are all daughters. And it is not allowed to marry the daughter.

The sister of the grandfather, the sister of the great-grandfather, and further relations are all paternal aunts. And it is not allowed to marry the paternal aunt.

The sister of the mother, grandmother, and great-grandmother are all maternal aunts. And it is not allowed to marry the maternal aunt.

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⁴²⁸ Sahīh al-Bukhārī 5548

The wife and slave girl with whom it is allowed to have intercourse are all considered his women. There is no difference of opinion in any of this.

When Allāh said, "O children of Ādam! Do not let Satan put you in trouble the way he had your parents expelled from Paradise" [7:27]. This reference is not exclusive to Ādam and Ḥawāʿ alone. Rather, it encompasses any descendants resulting from the unions of brothers and sisters, as well as those from the paternal and maternal sides. Children of a person's brother are considered that child's uncle and paternal aunt, while the child is also considered the child of both the uncle and aunt. Conversely, when someone's sister has a child, that individual is known as the maternal uncle, encompassing both the sister and brother of one's parents, and the child is regarded as the child of both the uncle and aunt.

We affirm that sometimes specific names may entail distinct rulings, as stipulated explicitly by Allāh or His Messenger $\stackrel{\text{def}}{=}$. In such cases, it is not based on conjecture but rather on clear $manq\bar{u}l$ (change in meaning). There is also $ijm\bar{a}$ that these fall within the category of those with whom marriage is prohibited ($muharram\bar{a}t$).

If their claim is solely grounded in $qiy\bar{a}s$ then they must be consistent and apply it to other aspects, such as rulings of inheritance and the obligation to provide for these relatives. However, none of them make this claim, leading to a clear contradiction in their position. While it is from their conditions that the 'illah must be consistent, as we mentioned in the chapter on the conditions of $qiy\bar{a}s$ to remain consistent, it is necessary for them to extend their illah to all relevant situations where $qiy\bar{a}s$ is applicable, but it is very clear that they abandon this method. And Allāh is the source of strength.



Section: The Verses Regarding A Woman That Is Divorced Thrice.

They mention the verse, "And if he has divorced her [for the third time], then she is not lawful to him afterward until [after] she marries a husband other than him. And if he [the latter husband] divorces her, there is no blame upon them [i.e., the woman and her former husband] for returning to each other" [2:230]. They say, "You used qiyās here because you state that it is not only a divorce that allows her to return to the former husband. You also believe that if her current husband passes away or if faskh occurs, she can return and is allowed to marry the first husband again, provided that she had intercourse with the second husband. But what is even more contradictory from you is that at the same time, if a Muslim man divorces a dhimmiyyah woman three times, and she marries a dhimmī man and engages in intercourse, you still do not allow her to return. However, simultaneously, you make her permissible to go back to the former husband if that dhimmī passes away or if faskh between them.

The answer: We maintain our position, allowing her to return after the *dhimmī* husband's passing or after *faskh*, and we justify this stance based on compelling reasons from authentic narrations. It is narrated on the authority of 'Ā'isha said, "The wife of Rifā'ah, who is Al-Qurazī came to the Prophet and said, 'I was married to Rifā'ah but he divorced me thrice, making my divorce irrevocable. Afterwards I married Abdul Raḥmān Ibn Al-Zubair, but all he possesses is like the fringe of a garment. The Prophet saked her whether she wanted to return to Rifā'ah. She said, 'Yes.' The Prophet said, 'You may not until Abdul Raḥmān and you have experienced the sweetness of intercourse with one another.'"⁴²⁹

This narration carries a more general meaning than the verse and indicates additional rulings on the issue, and additional rulings are always

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⁴²⁹ Sahīh Al-Bukhārī 6084

taken into consideration. The narration with certainty establishes that regardless of the circumstances leading to the separation of a husband and wife—whether it be due to the husbands passing away, a formal dissolution (faskh), or a divorce (faskh)—if they had engaged in intercourse experiencing the sweetness, she is eligible to return to her first husband who had divorced her thrice. The termination of the marriage can occur through faskh, the husband's passing away, or divorce, all having the same condition: experiencing the sweetness of intercourse. The Messenger of Allāh did not differentiate between these scenarios; he regarded them equally and stipulated that the essential criterion for her return is the occurrence of intercourse. So, whether it results from the husband's passing away, faskh, or falaq, she retains the option to return to her former husband. Importantly, it's universally acknowledged among Muslims that the former husband has no rights over her as long as she remains in the marriage of the husband who followed him.

As for an infidel issuing a divorce, it holds no validity because all actions and statements of an infidel concerning rulings are null and void, except that which is made valid by the Prophet . So, if an infidel or $dhimm\bar{t}$ utters the words of $tal\bar{a}q$, it holds no weight and is disregarded, as there is no textual basis that allows for the possibility of $tal\bar{a}q$ for them. A dhimmiyah, therefore, cannot be divorced and remains in her marriage since their marriage is valid as the Prophet validated all the marriages of the infidels. This is evident from that when the Prophet conquered Mecca, he did not instruct the disbelievers to renew their marriages.

So what Allāh mentioned in the verse does not preclude her from returning to her former husband after the passing away of the second husband or through faskh, as long as intercourse took place. Allāh specifically mentions $tal\bar{a}q$, and the Prophet extended this to include other scenarios such as faskh and the husband's passing away. Anyone who understands the Qur'ān through $dal\bar{\imath}l$ ul- $khit\bar{\imath}ab$ is bound by their own methodology not to permit her return except after $tal\bar{\imath}aq$, excluding faskh or the passing away of the second husband. This understanding, however, contradicts the verse's broader applicability as understood through $dal\bar{\imath}l$ ul- $khit\bar{\imath}ab$, and no supporting evidence can be found to justify such a restriction through $qiy\bar{a}s$.

They then mention the verse, where Allāh says, "When you marry believing women and then divorce them before you have touched them

(consummated the marriage), then there is not for you any waiting period to count concerning them" [33:49]. They say, "You use *qiyās* here, because you include idolatresses also part of the ruling of the waiting period ('*iddah*)."

The answer: This is a false claim. We have previously clarified with utmost clarity that all rulings are applicable to every individual on earth, both Muslims and non-Muslims. The distinction we made earlier about the invalidity of *talāq* when uttered by an infidel pertains to an individuals actions, whereas the matter under discussion pertains what does become obliging on every single human whether Muslim or infidel. Allāh says, "And judge between them [O Prophet] by what Allāh has revealed" [5:49].

This general obligation extends to encompass every ruling, including the 'iddah' for non-believing women, except in cases where specific exceptions are explicitly mentioned. Furthermore, there exists $ijm\bar{a}$ ' among the entire ummah that the 'iddah' for non-believing women is the same as that for Muslim women.

If there is a specific case from texts or *ijmā* that only applies to Muslims without including non-believers, then it is exclusively applicable to Muslims. Any mention of exclusivity for Muslims is a *karāmah* that does not extend to non-believers. And Allāh the Most Exalted says, "Fight those who do not believe in Allāh and the Last Day, nor comply with what Allāh and His Messenger have forbidden, nor embrace the religion of truth from among those who were given the Scripture, until they pay the tax, willingly submitting, fully humbled" [9:29].

The obligation of *ṣaghār* (them willingly submitting, fully humbled) for them goes against *karāmah* which consists of rulings that apply exclusively to us, the Muslims. Additionally, there is *ijmā* 'that the '*iddah* after *ṭalāq* is applicable to both a Muslimah and *dhimmiyyah*. Moreover, there is unanimous agreement that this ruling is only applicable to those who have engaged in sexual intercourse.

The fundamental principle is that no one can oblige any ruling unless it is explicitly mandated by texts or $ijm\bar{a}$. Otherwise, it does not become obligatory for anyone. In light of everything mentioned, the only situation not explicitly addressed by textual sources or consensus is the case of a *dhimmiyyah* who has not engaged in sexual intercourse. In such a case, there is no 'iddah prescribed for her, and it is impermissible for anyone to impose it on her, as it lacks any textual evidence. Instead, for a *dhimmiyyah* in this

situation, mut'ah (the expenses of a divorced woman due to her from her divorcing husband, other than her dowry) becomes obligatory, and she is entitled to half of the sadaq (dower) as prescribed by Allāh and His Messenger for every divorced woman. And Allāh is the source of strength.



Section: The Verse Regarding *I'tibār*

Allāh the Most Exalted says, "He is the One who expelled the disbelievers of the People of the Book from their homes at the time of the first gathering. You did not expect that they would leave, and they deemed that their fortresses would protect them from Allāh. But Allāh came to them from where they did not expect and cast fear in their hearts [so] they destroyed their houses by their [own] hands and the hands of the believers. So, take a lesson (fa'tabirū, take I'tibār), O people of vision. And if Allāh had not destined exile for them, He would have punished them in the world. And for them in the Hereafter is the torment of the Fire. That is because they were hostile to Allāh and His Messenger. And whoever has hostility with Allāh, then Allāh is severe in punishment" [59:2].

Many advocates of $qiy\bar{a}s$ use the verse of I tib $\bar{a}r$ to indicate the validity of $qiy\bar{a}s$. Prominent figures who align with this belief include Al-Āmidī, Al-Sarakhsī, Al-Bazdawī, 'Alā' Al-Dīn Al-Bukhārī, Ibn Al-Qayyim, Al-Bājī, and others. Al-Āmidī said, "[As for the validity of $qiy\bar{a}s$] It highly depends on the verse, 'So, take a lesson (take I tib $\bar{a}r$), O people of vision.' Al-I tib $\bar{a}r$ means moving from something to something else, which also happens in $qiy\bar{a}s$ which is moving a ruling from the asl to the far', so we know then that we are ordered to use $qiy\bar{a}s$."

However, opinions diverge within this group. Some, like Ibn Juzay Al-Mālikī, do not believe that this verse indicates $qiy\bar{a}s$. Ibn Juzay Al-Mālikī remarked regarding the verse, "Those who affirm $qiy\bar{a}s$ in fiqh use this verse to indicate $qiy\bar{a}s$ and their $istidl\bar{a}l$ for it, with this verse is weak, and it deviates from the actual meaning of the verse."

And Ibn 'Abd Al-Salām said regarding the verse, "From the (unreasonable) wonders is their *istidlāl* to indicate the validity of *qiyās* with

⁴³⁰ Iḥkām by Al-Āmidī 4/26-27

⁴³¹ Tafsīr Ibn Juzay 2/358

this verse, while $I'tib\bar{a}r$ in the verse only means to have caution and to stay away [from sin]."⁴³²

From the languages perspective they claim, "There is agreement from *ahl ul-lughah* that I tib $\bar{a}r$ is a word that encompasses similarity of a thing with something else and applying the ruling of it to that the similarity. Taking caution and pondering is only also considered I tib $\bar{a}r$ because what is intended with it is making the matter equal and applying the same ruling to what is similar to it, because otherwise no one has actually pondered and has not been cautious from the sin for what had occurred to the people of opposition who were punished, this is what is recorded from Tha lab."

They also say, "Ibn Manzūr, Ibn Fāris and Abū al-'Abbās Aḥmad Ibn Yaḥyā Tha'lab who are from the scholars of the language said all regarding the verse of I' $tib\bar{a}r$ that fa' $tabir\bar{u}$ in the verse means to perform $qiy\bar{a}s$."

The answer: The word I 'tibār. When someone engages in I 'tibār with the form ifti'āl, they derive an 'ibrah, which essentially encapsulates the word's essence. Everything we are about to discuss, by the will of Allāh, can also be inferred from the writings of Ibn Sīdah, Ibn Fāris, Al-Rāghib, and the insights of the $mufassir\bar{\imath}n$. However, Ibn Manzūr offers from what can assumed, a distinct perspective on the verse, he said, "The verse means, 'Contemplate on it and look what happened to Quraizah and Al-Nazīr and use $qiy\bar{a}s$ of what happened to them to take a lesson from the punishment that happened to them."

There is no substantive evidence for their claims in the statements of Ibn Manzūr, Ibn Fāris, or Abū Al-ʿAbbās Aḥmad Ibn Yaḥyā Thaʿlab. To begin with, none of these scholars are infallible, and their statements lack evidences necessary for obligatory adherence. While at the same time there is no evidence in the words of those scholars for them, as all of them oppose the method of *qiyās* as we will clarify by the will of Allāh. We will also, cite other scholars who precede them and hold contrary views to what they propose — specifically, those who argue that the verse does not indicate *qiyās*, by the will of Allāh.

We oppose Ibn Manzūr's claim that the word I' $tib\bar{a}r$ means $qiy\bar{a}s$. There is also very clearly no relation in Ibn Manzūr's claim that aligns with

⁴³² Al-Bahr Al-Muhīt Fī Usūl Al-Figh 7/29

⁴³³ Al-Baḥr Al-Muḥīt Fī Uṣūl Al-Fiqh 7/29

⁴³⁴ Lisan Al- 'Arab 4/531

the approach of those that adhere to qiyas. Those who believe the verse indicates their method of $qiv\bar{a}s$ are contend that the directive to use $I'tib\bar{a}r$ in the verse necessitates applying qiyās to every conceivable matter, provided it meets the stipulated conditions of qiyās, making qiyās obligatory for all rulings. Contrastingly, Ibn Manzūr limits of I'tibār mentioned in the verse to the specific events with Quraiza and Al-Nazīr which directly invalidates the claim of Al-Bājī and others. Even if any jāhil assumes this verse is qiyās, the verse does not go along with anything of the *mustalāḥ* definition of *qiyās*. The linguistic definition of *qiyās* is the comparison of two similar matters, which is absolutely different from the *qiyās al-iṣṭilāḥī*, we have said it many times that we do not reject that matters are similar to each other, which does not go against qiyās in the language. What we only absolutely reject is giving the same ruling because of a similarity and this is something qiyās in the language absolutely does not mean. We clarified qiyās al-iṣṭilāḥī in detail before in the chapter on the conditions of qiyas. So there is no evidence for them in the sayings of Ibn Manzūr in any possible way and we will clarify in great detail why I'tibār in the first place is not related to anything about qiyās, by the will of Allah.

As for Ibn Fāris, he said, "If you were to express, 'I have applied I'tibār to a situation, it suggests that you've thoroughly examined a situation, deriving a valuable 'ibrah, meaning a lesson or warning, from it for another circumstance. When these two matters hold equal weight, it embodies I'tibār. So, when Allāh the Most Exalted says, 'So, take a lesson, O people of vision,' it is akin to urging you to scrutinize the events, comprehend the reasons behind their punishment, and steer clear of their actions to prevent a similar punishment from befalling you." ⁴³⁵ Then he mentions $maq\bar{a}y\bar{\imath}s$ of the language and nothing about it means $qiy\bar{a}s$, not lughawi and also not $istil\bar{a}h\bar{\imath}$.

As for Abū Al-ʿAbbās Aḥmad Ibn Yaḥyā Thaʿlab, there is no indication in any of his saying for $qiy\bar{a}s$. Firstly, in response to inquiries about I ' $tib\bar{a}r$, his saying is different from the established $mustal\bar{a}h$ definition of $qiy\bar{a}s$. He doesn't delve into the topic of $qiy\bar{a}s$; he instead only means the word I ' $tib\bar{a}r$ only, he also did not associate his definition of it with the verse. He does not mention anything related to the actual $qiy\bar{a}s$ as the adherents to it believe. He also does not emphasize the necessity of matching 'ilal as a

⁴³⁵ Maqayis Al-Lughah 4/210

condition for valid $qiy\bar{a}s$, as advocated by proponents of this concept, nor does he touch upon ta ' $l\bar{\imath}l$ '.

He said that the one that returns the ruling of an incident to what is similar to it can be considered the one that does i'tibar. This is something too general, there must be a limit for this general saying as the adherents to $qiy\bar{a}s$ themselves believe $qiy\bar{a}s$ can only actually become $qiy\bar{a}s$ if it goes along dozens of conditions. So it is established then that he can without any doubt not mean $qiy\bar{a}s$ specifically and exclude considering returning the ruling of an issue to its general ruling as i'tibar. As we know that he could not have meant without any doubt only $qiy\bar{a}s$ and exclude methods which we agree upon such as returning the ruling of an issue to its general ruling from texts, we know that he said this then in general. It becomes obligatory to understand this properly without exceeding its limit.

We know with certainty that at many times an issue can have texts that it is part of a general ruling, but at the same time the issue can often be something that is similar the text, so this does not contradict declaring *qiyās* as false, because *qiyās* is an issue that is not covered by the Qurʿān and *sunnah* receiving the same ruling because of a similarity between them and this similarity is unrestricted, while an issue may be part of a general ruling while may seem the same but it may also not be part of a general ruling while it is seems the same. So we only reject this definition with which applies it unrestrictedly, while we do not affirm this is the definition of *i'tibar* in the first place. Because we do not believe *I'tibār* is related to creating rulings, but even if it would be then taking *I'tibār* would be from the methods that are correct, not false such as *qiyās*.

That which indicates certainty on that which we have said here, are the words of Murtaḍā Al-Zabīdī, he said, "The one doing I'tibār is the one that uses something as an evidence to conclude something."

And this is very general, which clarifies further what we said about the definition of Tha lab before, if it would mean using something as an evidence to include it in something general it can never mean $qiy\bar{a}s$ itself excluding the other methods which we adhere to such as making issues part of a general ruling, only if the ruling of a word encompasses the issue.

 $^{^{436}}$ Al-Baḥr Al-Muḥīṭ Fī Uṣūl Al-Fiqh7/28

⁴³⁷ Tāj Al- 'Arūs 12/510



This is while we do not agree with this definition of i 'tibar in the first place, while there is at the same time absolutely no evidence that his definitions of i 'tibar means itself $qiy\bar{a}s$. We will clarify the correct definition soon by the will of Allāh.

We mentioned some of those who oppose the method of *ahl ul-qiyās* on this verse. Ibn Juzay Al-Mālikī said regarding the verse, "Those who affirm $qiy\bar{a}s$ in fiqh use this verse to indicate $qiy\bar{a}s$ and their $istidl\bar{a}l$ for this verse with it is weak and it deviates from the actual meaning of the verse."

Ibn 'Abd Al-Salām said regarding the verse, "From the wonders are their *istidlāl* to indicate the validity of $qiy\bar{a}s$ with this verse, while $I'tib\bar{a}r$ in the verse only means caution and staying away [from sin]."⁴³⁹

Ibn Abī Al-Zamanayn said regarding the verse, "The order to perform I'tibār means to reflect (tafakkur)."

Murtadā Al-Zabīdī said, "I'tibār is reflecting." 441

Al-Fayrūzabādhī said, "The one that does I'tibār reflects." 442

Aḥmad Mukhtār 'Umar said, "Someone that does $I'tib\bar{a}r$ of death, means him reflecting on it and taking a lesson from it, [another example is] someone that does $I'tib\bar{a}r$ of an accident that happened to his neighbor. [another example is] doing $I'tib\bar{a}r$ of what happened to the nations before and not oneself becoming the 'ibrah' for the nations to come after you. Allāh says, 'So, take a lesson, O people of vision.'"

And this is exactly also our view, that it is *tafakkur* and *ta'ajjub*, meaning reflecting in order to stay away from sin and to return to obedience, not at all related to making rulings oneself, Allāh neve ordered us to create rulings in that verse. All of this goes according to our view that it means reflecting, not related to any *qiyās*.

Muqātil Ibn Sulaymān said regarding the verse, "But Allāh supports with His victory whoever He wills.' So Allāh supports whoever he wills, such as a few in number winning against a large number, 'Indeed, that is a lesson for those of vision.' Meaning those who reflect on the order of Allāh and

439 Al-Baḥr Al-Muḥīţ Fī Uṣūl Al-Fiqh 7/29

⁴³⁸ Tafsīr Ibn Juzay 2/358

⁴⁴⁰ Tafsīr Al-Qur'ān Al-'Azīz by Ibn Abī Zamanayn 4/366

⁴⁴¹ Tāj Al-'Arūs 12/511

⁴⁴² Al-Qāmūs Al-Muḥīt pg. 435

⁴⁴³ Mu'jam Al-Lughah Al-'Arabiyyah Al-Mu'āsirah 2/1450

[return to] obedience to him. There is a lesson for them in it and a reflection (*tafakkur*) for those of vision."

Qatādah Ibn Di'āmah said regarding the verse, "'Indeed in that is a lesson for those of vision.' There is for them a lesson and a reflection (tafakkur). Allāh helps them win against the enemies."

In the last sentence of the verse Allāh orders, "fa'tabirā." The aṣl for the word I'tibār is someone who passes (verb: 'abara) or goes through something or moves from one place to another either rapidly or slowly. That can be said regarding someone who passes through a river or a road. 'Abrah can be said for a flowing tear. And 'abbara is meant for something that someone brings out from himself, it can be a thought or anything someone wants to say and others, from that also comes 'ibārah with the same meaning. 'Abbara can also be used to mean to explain a dream, because it is an act of bringing out, so a movement of the signs that a person saw in the dreams.

They say, "But ' $ub\bar{u}r$ means passing something such as a river, and $qiy\bar{a}s$ is passing a ruling that is mentioned from texts to something that is not covered by the texts, so the origins of I' $tib\bar{a}r$ implies $qiy\bar{a}s$."

The answer: This is false because this is from the words that are mushtarak in meanings, like darb, You can say dirab ul-jamal, which is a camel becoming pregnant (sifad), and darb with the meaning of hurting a body, and darb with the meaning to fasten something with a lock. And just like this, it is the same for 'abara, If it is 'abartu al-ru'ya, then it means that the dream got explained, and 'abartu al-nahr means crossing it. These two then mean different things, one of them has nothing to do with the other. The masdar of 'abartu al-nahr is only 'ubur while the masdar of 'abartu alru'ya is 'ibārah. And that is also the masdar of i'tabartu fi shay which means reflecting upon something. Then there are other *mushtarak* meanings such as 'abrah meaning plants which are nearby rivers and 'abraniyyah which is the language of Banū Isrā'īl. And 'abīr which is a type of perfume. So when we say 'abartu al-nahr means crossing the river and that the meaning of 'abartu al-ru'ya is only explaining it, it becomes apparent and known that the two are different. If a mu'abbir of a ru'ya would only cross, he would not ever be someone who clarifies the dream and would instead literally leave the dream

⁴⁴⁴ Tafsīr Muqātil Ibn Sulaymān 1/266

⁴⁴⁵ Tafsīr Al-Tabarī 12/31



as it only then would mean to cross. So we know then that 'ubur is not related to ibārah.

As for 'ibrah, it hinges on the significance of the lesson it imparts, it is a movement from one state to another. This transition can take various forms, such as an individual who was once neglectful becoming aware or someone ignorant gaining knowledge about a particular matter. Allāh says, "They saw them [to be] twice their [own] number by [their] eyesight. But Allāh supports with His victory whom He wills. Indeed, that is a lesson ('ibrah) for those of vision" [3:13]. This emphasizes that the events described can recur, for Allāh's support can manifest at any time as a valuable lesson. When something is initially concealed but later becomes evident through perception, it serves as a lesson for those with insight. Similarly Allāh says, "And indeed, for you in livestock is a lesson ('ibrah). We give you drink from that which is in their bellies, and for you in them are numerous benefits, and from them you eat" [23:21]. Livestock offer various insights and knowledge, such as the production of milk. Here, 'ibrah reminds humans of the wonders within Allāh's creations. 'Ibrah is not confined, limited, or required to be similar to anything else; instead, it represents a transformation from a state of neglect or ignorance to one of awareness and knowledge. 'Ibrah is then a movement that is related to moving from a neglectful or ignorant state to remembrance and knowledge. This is the view of Ibn Sīdah, Ibn Fāris, Al-Rāghib from the scholars of the language and the words of the *mufassirīn* as we mentioned some of them previously. And it is then established that the definition we use does not contradict the definition and that in reality none of it can ever specifically mean qiyās.

They also use many verses other than the verse of I tib $\bar{a}r$ to indicate $qiy\bar{a}s$ with those verses carrying a similar meaning with the verse of I tib $\bar{a}r$. Ibn Al-Qayyim said, "As for $qiy\bar{a}s$ al- $dal\bar{a}lah$, it is combining the asl with the far' with an evidence for the 'illah, an example for that is when All $\bar{a}h$ the Most exalted said, 'And among His signs is that you see the land inactive, Then, once We send down water thereto, it gets excited and swells. Surely, the One who has given life to it is the One who gives life to the dead. No doubt, He is powerful to do everything' [41:39]. All $\bar{a}h$ showed his servants the giving of life which they witnessed to giving life which they (the humans) seek to distance themselves from (death). This is a $qiy\bar{a}s$ of giving life to another form of giving life. There in this i'tibar of what is similar to it And

its necessary 'illah is the general might and perfect knowledge of Allāh, and giving life to the earth is then an indication for the 'illah which is the might and perfect knowledge of Allāh.' 446

The answer: If they derive $qiy\bar{a}s$ from this verse, it is against $qiy\bar{a}s$ al- $istil\bar{a}h\bar{\iota}$, as they claim it is $qiy\bar{a}s$ to draw a parallel between giving life to a dead land and giving life to a dead person, then according to them, it becomes possible to have i'tibar between a far' and an asl, when they are not of the exact same thing, but while they both still fall under the same generality. This directly indicates what we have mentioned before. For example, the attribute of giving life in general, even though the specifics of giving life to the dead are fundamentally different from giving life to barren land. Claiming $qiy\bar{a}s$ from this verse, is then false as this situation is about nothing other than understanding ' $um\bar{u}m$ (generality), which, in reality, does not mean $qiy\bar{a}s$ at all, as we clarified in the chapter on the conditions of $qiy\bar{a}s$.

Considering certain specific matters to be part of a general ruling, as long as the ruling of a word encompasses the issues, is obligatory as we clarified many times before. An example of this is when something is specified in texts for a particular matter, but that specification also implies other matters that are similar to it and fall under it. In such cases, the matter can be understood as being general, either explicitly from the text itself or when viewed with the understanding from other texts. A clear example is the verse, "O you who have believed, when [the adhān] is called for the prayer on the day of jumu'ah, then proceed (fas'aw) to the remembrance of Allāh and leave trade" [62:9]. From this verse, it is understood that it encompasses abstaining from various transactions, such as selling, hiring, business, marriage, and other related matters instead of only trade which is mentioned in the verse. This inclusion is not based on qiyas at all. Allah's order to proceed to the remembrance of Allah with urgency, as indicated by the imperative form fas'aw, and the form of fa' implies that no time must be wasted from the moment the call is made, except in rushing to attend the jumu'ah prayer. This then, obliges refraining from all commercial activities and employment. Allāh mentioning the obligation of leaving trade again does not negate what was stated just before it of the general obligation to hasten which encompasses sales and many other matters.

⁴⁴⁶ I'lām al-Mawqi'īn 1/138

⁴⁴⁷ Shifa' Al-Ghalīl pg. 118-125

The order to abstain from trade after it is to emphasize (ta'kīd), encompassing all that was previously mentioned in the general order to hasten to the remembrance of Allāh and invalidates any claim permitting a delay for attending to the remembrance. This principle aligns with the examples cited by those who believe in qiyās; while the conclusions may resemble each other, it's not because of qiyās. Allāh, in His omnipotence, grants life to anything He wills in a manner of His choosing. Allāh possesses complete sovereignty over all His actions. Given this undeniable reality, there is no room for qiyās in any of the verses Ibn Al-Qayyim used. No far' is being moved to an aṣl, there is the case of an aṣl and another aṣl. And there is no difference that qiyās is not possible from an aṣl to another aṣl. This is the same regarding the claims of qiyās regarding Allāh's debt taking precedence over the debts of individuals; in essence, Allāh's debt always precedes any debt of humankind.

Another example is when Allāh says, "And lawful to you are [all others] beyond these, [provided] that you seek them [in marriage] with [gifts from] your property, desiring chastity not unlawful sexual intercourse" [4:24]. It is evident that Allāh permits marriage with the use of wealth, but the specific amount of wealth is not delineated in the verse. And the narrations mentioning the minimum amount of *mahr* are all weak. *Al-ḥanafiyyah* and *al-mālikiyyah* claim that the *mahr* (dower) cannot be less than four *dīnārs* of gold, which is the *niṣāb* of the one who steals whose hands are to be amputated. It is also the view of Mālik. They say the private parts are a body part which become permissible through an unknown amount of property. And that the hand is also a body part and that it becomes allowed to amputate it, but by a known amount of property, this *qiyās* is mentioned by Abū Bakr Al-Jaṣṣāṣ and he concurs with such a *qiyās*.⁴⁴⁸

We say: The property mentioned in the verse is not unknown; rather, it is a general concept, and its quantity is elucidated by the *sunan*, which affirm that it can be of any amount. It is impossible to infer from the verse, "So, take a lesson! O people of vision," that we are compelled to use such *qiyās* or any *qiyās*. This is all false because the property which Allāh mentioned is not something unknown, it is instead something known and something general, its amount is clarified by the *sunan* and it can be concluded that any amount is sufficient. There is not a single reason to use

 $^{^{448}}$ Aḥkām Al-Qurʻān 2/140 | Tafsīr Al-Qurṭubī 5/127-128

the amount of the one who steals which makes his hand become allowed, it is not an atoms weight more false than using it for the amount of where someone's back becomes allowed to lash when he sips *khamr* and the amount of it does not equal an atom's weight. This false approach fails to provide any sound basis for permitting one's private parts to be amputated earlier than the back. They use the '*illah* of body part here, then according to their method they can also use the back as the back is a body part which is nearer to the private parts than the hands are and use that amount. What also indicates the falsehood of their approach is that neither the back nor the private parts are subject to amputation, whereas the hands are.

Another example is when Allāh says, "But once they are sheltered in marriage, if they should commit adultery, then for them is half the punishment for free [unmarried] women" [4:25]. $Al-Q\bar{a}$ 'isūn take the hadd of slave girls as an 'ibrah. And have concluded terrible conclusions because of that. Taking the method of $qiy\bar{a}s$ while seeing it as an 'ibrah is the same as saying: It is not Allowed for a slave to have any more than two wives. Some of them even say, "Their menstruation period for $\bar{\imath}l\bar{a}$ ' is two months." And others say that the 'iddah of a slave girl is two menstruation periods and that the 'iddah from the passing away of the husband is two months and five days.

They also say that a slave has two *talāqs* and that fasting for the slave for zihār is one month. There would be no issue if any of these would be concluded from what can clearly be understood from general authentic text, but this does not exist for these issues. The only issue is when these are concluded from qiyās only, such as claiming these rulings based on qiyās from the *hadd* of the slave for *zinā*. We say to them: Your method implies the obligation on you to affirm that the prayer of a slave is only two rak'ahs only, that his fasting is only half of ramaḍān, that wuḍū' for him only requires half of the body parts and that ghusl for him is only half of his body. If you do not affirm these matters then you abandon your method as qiyās according to your own conditions must be consistent and that otherwise the *qiyās* is false, as we clarified in the chapter on the conditions of qiyās. They oblige qiyās that the *hadd* is half on a slave girl, but they do not differ that the *hadd* of the slave girl for stealing is the same as a free person. There is also not a single trace of evidence for the claim that the 'iddah of the slave girl must be half that of a free person because of *qiyās* from the *ḥadd* of *zinā*. While they also do not use that qiyās for the hadd of stealing, and while these rulings are all

from hudūd and 'iddah being totally unrelated to hudūd. It is also necessary for them to use qiyās on the 'iddah of the slave girl from talāq, passing away, while they do not differ that their 'iddah on all of that even if she is pregnant is exactly the same as the free woman. They use qiyās on the former but neglect it on all these matters. If qiyās would ever be true, then qiyās on the 'iddah of passing away and talāq on the 'iddah of passing away would be more deserving of the ruling, than qiyās that the 'iddah should be because of the hadd of zinā. And in this exact same manner there are dozens of rulings based on qiyās, where they abandon their own conditions, they made for qiyās. These rulings based on qiyās invalidate the other rulings, contradict it and is never consistent, while it is from their own conditions.

It is now evident that in cases where there is no explicit evidence from the Qur'ān and the *sunnah* that directly covers the *far*' with the precise ruling of the asl as we previously elucidated using the example of the verse concerning the urgency of proceeding to the remembrance of Allāh, any claims made of them regarding I'tibār has become false and invalid. Indeed, such a claim cannot truly be considered I'tibār even if it were claimed to be. In essence, it would amount to conflating distinct rulings merely because they share a resemblance, a false approach that anyone could make up.

Allāh vehemently rejected this method when disbelievers attempted to equate $rib\bar{a}$ with trade through $qiy\bar{a}s$, when they endeavored to liken prophets to ordinary humans through $qiy\bar{a}s$, or when they sought to draw parallels between carrion (maitah) and other lawful forms of slaughtering through $qiy\bar{a}s$. Even Iblīs himself resorted to $qiy\bar{a}s$ and also besides $qiy\bar{a}s$ he was also the first one to ever make use of ta ' $l\bar{i}l$.

Allāh says, "They say, 'Trade and $rib\bar{a}$ are certainly the same" [2:275]. An infidel sees $rib\bar{a}$ only as a price to gain profit from, it is according to them then the same as any sales. The disbelievers perceived $rib\bar{a}$ as merely a means to profit, categorizing it as a form of trade. This perception, though fundamentally false, is no less fallacious than many of the $tashb\bar{t}h\bar{a}t$ that the adherents of $tashb\bar{t}h\bar{a}t$ use.

The disbelievers argued for the permissibility of consuming carrion (maitah) by drawing an $I'tib\bar{a}r$, suggesting that it is no different from any other form of slaughtering since both are a death, and fall under that general sense. They argued that the sole distinction lay in the fact that maitah is killed by Allāh, whereas others are killed by people. Allāh says, "And do not eat of

that upon which the name of Allāh has not been mentioned, for indeed, it is sin. And indeed do the devils inspire their allies [among men] to dispute with you. And if you obey them [by making *maitah* permissible], then you would indeed be infidels" [6:121]. Ibn 'Abbās said regarding the Ayah, "The infidels argued with the Muslims and said to the Muslims, 'How can you not eat what Allāh kills, but you do eat what you yourselves kill, while you follow the command of Allāh [as Allāh let the animal die]?' Then the verse was revealed. This is also narrated authentically from Mujāhid, Qatādah, Al-Suddī, Al-Dahhāk and 'Ikrimah.

The disbelievers consistently raised objections and denied the prophethood of the Prophet , primarily because they claimed he was a mere human, similar to themselves. They questioned how something could be revealed to the Prophet something that was not revealed to others. Allāh says, "The disbelieving chiefs of his people said, 'We see you only as a human being like ourselves, and we see that no one follows you except the lowliest among us, who do so 'hastily' without thinking. We do not see anything that makes 'all of' you any better than us. In fact, we think you are liars" [11:27]. And Allāh says, "They said, 'You are nothing but human beings like us, and the All-Merciful did not send down anything; you are only lying" [36:15]. If the act of comparing two distinct matters were to hold the same implications as I'tibar, according to the method used by those who advocate for qiyās, then the Messenger of Allāh would have engaged in it and further expounded upon it. However, the Prophet did not ever resort to such comparisons. When he was asked about zakāh concerning donkeys, he did not engage in I'tibār by drawing a parallel with camels, horses, or cows. Abū Hurairah said, "The Messenger of Allāh spoke about treasure and zakāh on camels, cattle, horses, and weight. Then the Prophet # was asked about donkeys and he replied, 'Nothing has been revealed to me regarding donkeys except this comprehensive verse which includes everything, 'So whoever does good equal to the weight of an atom shall see it; and whoever does evil equal to the weight of an atom shall see it." "449

If any other method would be possible to be used after the Qur'ān and the *sunan* of the Prophet . Then the Prophet would have made use of it and taught it in the greatest of details and all of its conditions. He would

⁴⁴⁹ Sahīh Al-Bukhārī 4963



have also ruled donkeys the same in ruling because of it being similar to cattle, camels and cows.

 $Al-q\bar{a}$ 'is $\bar{u}n$ claim that I'tib $\bar{a}r$ or $qiy\bar{a}s$ is false when two matters are completely similar, and that at most, there should only be an affirmative connection between them. By leaving out some similarity. However, $q\bar{a}$ 'is $\bar{u}n$ firmly hold that this affirmative connection can be established based solely on assumptions. These assumptions do not raise a *mustanbaṭ* ruling to be from Qur'ān and *sunnah*.

The essence of *I'tibār*, as previously mentioned, is a means of drawing an *'ibrah*, which is a lesson, from which someone can reflect and return to obedience to Allāh, as we clarified earlier. A concept can exhibit a resemblance to another, prompting one to draw connections. However, if this means moving from one ruling (*hukm*) to another ruling, it becomes an act driven by desires. Such a leap opens the door to the potential for shifting between various rulings and their opposites, solely based on similarities from one angle, even if substantial differences exist from other perspectives.

Correct $I'tib\bar{a}r$ is movement but is not related to rulings $(ahk\bar{a}m)$. For instance, it involves moving from a state of neglect and ignorance to one of remembrance and knowledge, as we previously clarified. $I'tib\bar{a}r$ can also serve as remembrance of the rulings without necessitating the creation of new rulings. For example, if a man is witnessed intentionally killing someone, and $qis\bar{a}s$ (retaliation) is decreed upon him, it can be appropriate to say to someone known for theft if they are present, "Take $I'tib\bar{a}r$ (a lesson/warning) from this." In this context, it serves as a reminder for them to avoid falling into sin and does not imply that the thief must be sentenced to death, which would be the case if he performed $qiy\bar{a}s$ instead of $I'tib\bar{a}r$, that would mean creating rulings. Because know that $qiy\bar{a}s$ is creating rulings while we know with certainty that $I'tib\bar{a}r$ in of itself does not mean creating rulings. We also clarified that before in detail that $I'tib\bar{a}r$ would still not imply $qiy\bar{a}s$ if it would mean creating new rulings.

It is from the most false claims that when Allāh orders us to perform I 'tibār' that that should mean an order to us to create $ahk\bar{a}m$. So, the mu 'tabir' (one who draws lessons by moving from ignorance to remembrance) in this scenario is not a judge or a jurist continually deducing legal rulings; rather, it refers to the person who committed a transgression and should reflect upon it to return to obedience, or anyone that reflects on any incidents and returns

through that to obedience. This becomes even more evident when Allah the Most Exalted said, "And you know about those among you who broke the Sabbath, whereupon We said to them, 'Be apes! living in disgrace. Thus, We made it a deterrent for those who were present and those [who will be] after them and a lesson for the Godfearing" [2:65-66]. And Allāh also says, "So, when they provoked Our anger, We took vengeance on them, and drowned them all together, and made them a people of the past, and an example for the later generations" [43:55]. These punishments serve as exemplary lessons for both those who witnessed them and those who will come after, serving as a warning to the righteous to be vigilant and avoid disobedience to Allāh to escape punishment. And it does not imply that the punishments themselves are of the same type, such as transforming individuals into apes or drowning. Instead, I'tibār signifies that a believer must exercise caution to prevent falling into neglect of Allāh's commands and, subsequently, facing punishment. Allāh has the prerogative to choose the form of punishment as He wills.

They say, "There is no doubt that Allāh chooses what he wills. But when Allāh punishes everyone who does an act of those who had transgressed regarding Sabbath by making them apes and punished everyone who did the act of Fir awn and his soldiers by drowning them then that is according to the *sunnah* of Allāh and his justice. And it is not rejected that there is in the *'ilm* of Allāh other punishments fit which he did not choose. Such is the case for *fiqh*, wherever an *'illah* is found of a ruling then it is from justice and goes according to the *sunnah* of Allāh to repeat the same ruling by using the *'illah* which we know and it is not prevented of there existing in the *'ilm* of Allāh other rulings fit for that *'illah* which we do not know. And this is exactly what *I'tibār* then is, to repeat rulings whenever the *'illah* is found to match a case to repeat that ruling."

We say: The repetition of rulings with their 'illah is something which is not rejected but with conditions, and if these conditions are fulfilled it is never qiyās. A ruling with its 'illah is not repeated except for one reason only, this is when a ruling occurs because of a certain reason, Allāh the Most Exalted says, "As for a man or woman who commits theft, cut off the hands" [5:38].]. Here, the 'illah is theft under established conditions, and the resultant ruling is hand amputation. When this particular act of theft recurs, the corresponding ruling of hand amputation, under the established

conditions, is reiterated. It is impossible to extend this ruling to cases of murder, fornication, or alcohol consumption by claiming the applicability of $I'tib\bar{a}r$. This transgression is worse than these claim made by infidels equating $rib\bar{a}$ with general sales, based on their use of $I'tib\bar{a}r$.

We only allow a ruling to be repeated with its 'illah in this manner only. As for using an 'illah that is mentioned by the text (manṣūṣah) and using that 'illah for issues other than where Allāh and His Messenger placed that 'illah, this is from the most false methods. This is an issue we will clarify in detail in the chapters on the falsehood of 'ilal by the will of Allāh.

So repetition of rulings with an 'illah are false in a manner other than we have mentioned because there is not a single trace of evidence to use 'ilal in such a manner. Such a method is ascribing lies to Allāh and His Messenger.

Moving any ruling to an issue not substantiated by Qurʿān and sunnah is false. Drawing parallels between two matters holds little significance, as the world is replete with resemblances among diverse entities, everything resembles each other in some aspect. Claiming that such resemblance serves as a valid 'illah for ta' $l\bar{l}l$ (making lawful) or l' $tib\bar{a}r$, to draw $qiy\bar{a}s$ is false; it is mere conjecture to consider resemblance as a valid basis. We provided examples, such as likening $rib\bar{a}$ to ordinary sales or likening carrion to slaughtered meat, regarding prophets the same as other human beings. This is $qiy\bar{a}s$ the infidels reached with that method, and we also mentioned similar aqyisah of the $fuqah\bar{a}$ '.

So it is false to use an 'illah found in any text to formulate new ruling, which is the method of qiyās. While it is acceptable to believe that one case bears some resemblance to another case, even if they do not align under the same ruling or within the general understanding derived from the Qur'ān and the sunnah, if there are two similar cases, it must be known that the ruling of the second case merely shares similarity in certain aspects with the first case. While it is not exactly similar to the first ruling but merely exhibits similarity from a specific perspective. This is like everything else in the world as everything resembles each other in a certain aspect.

According to some of those who believe in $qiy\bar{a}s$ a far' becomes the exact same thing as the asl after the far' moved to the asl and that before the movement of the ruling that it is something completely different. They concur that there is only some similarity between the asl and the far' just as there are many differences between them. There is no doubt that the asl is something

completely different than the far', no matter the amount of similarities between them, otherwise that far' would be an asl. There is no order to create the same rulings for issues because of the reason of a similarity, as we are not ordered this qiyās is nothing but a transgression. The claim that the far' becomes the exact same only after moving it to the asl is a matter false such that simply mentioning it suffices. What indicates the falsehood of this are the words of Allah the Most exalted, "Or they say, 'He (the Prophet) forged it (the Qur'ān). Say, 'Then produce ten forged surahs like it, and seek [for it] help from whomsoever you can, other than Allāh, if you speak the truth!"" [11:13]. Reflect on how any creature fails this challenge which includes the challenge of bringing any size like it as indicated when Allāh said, "Let them then produce anything like it." No creature is able to produce anything of any size like it. All of them agree that *qiyās* is separate from Qur'ān and also they claim that the $fur\bar{u}$ of issues are to be the same ruling as the $us\bar{u}l$ from Qur an and sunnah. So they try to bring something like it and they are not able to as no creature is able to. They also believe in *istinbat* that has no relation to any text which is the *manhaj* of those who believe in *qiyās* regarding '*ilal*. There is clear evidence in this in restricting knowledge only to revelation ($nus\bar{u}s$) only.

Some of them believe that Ibn 'Abbās used I'tibār in a manner similar to how those who use $qiy\bar{a}s$ use it. This pertains to the issue of diyah (blood money) for teeth. We will clarify this specifically in a separate chapter, by the will of Allāh.

What is sufficient to know regarding that narration is that $Qiy\bar{a}s$ according to those who believe in it is to return the matter what has been differed on, which is a far' that has $ikhtil\bar{a}f$ to an asl that has $ijm\bar{a}$ ', as mentioned in the chapter on the conditions of $qiy\bar{a}s$. And there is not on the fingers and also not on the teeth $ijm\bar{a}$ ', there is instead very apparent $ikhtil\bar{a}f$ on this issue. $Muf\bar{a}dalah$ of the diyah of the fingers and teeth is narrated from 'Umar while at the same time it is also narrated that the diyah of the fingers is all the same and from others as well that it is all the same. It becomes invalid according to their own conditions here to return the matter to $ikhtil\bar{a}f$. It is from the worst of falsehoods to believe that Ibn 'Abbās would narrate authentically from the Prophet himself that the diyah of the fingers and teeth are the same and then continue afterwards to give a $fatw\bar{a}h$ based upon $qiy\bar{a}s$. The fact that what he said was the exact same ruling as the words of



the Messenger of Allāh, indicates that when he said that he was aware of the narration.

What is more deserving regarding the narration of Ibn 'Abbās is that he meant, "Oivās being invalid to be applied for the diyah of the fingers is an 'ibrah that indicates the falsehood of applying it also for the diyah of the teeth." This is the approach and understanding that is more likely, it is establishing a similarity based from an ambiguous matter that cannot encompass a specific ruling this is what those who believe n qiyas falsely do, it is establishing a method of ruling from which the limits are not known, except with revelation. This is like when Allah said, "He is the One Who sends the winds ushering in His mercy. When they bear heavy clouds, We drive them to a lifeless land and then cause rain to fall, producing every type of fruit. Similarly, We will bring the dead to life, so perhaps you will be mindful" [7:57]. And when He said, "And it is Allāh Who sends the winds, which then stir up 'vapour, forming' clouds, and then We drive them to a lifeless land, giving life to the earth after its death. Similar is the Resurrection" [35:9]. The 'ibrah of producing fruits and giving life to land is that: just as Allāh is able to give life to a land and produce fruits, he is also able to give life to the dead and resurrect them for reckoning and he is the only one able of doing that in general. The 'ibrah here is not that rulings of giving life to the dead and the resurrection are only known because of the I'tibār of the rulings of Allāh giving life to lands and producing fruits, which is what those who believe $qiy\bar{a}s$ do here and use this method for figh.

If their approach were to be applied here, it would equate to use $qiy\bar{a}s$ and considering that the process of giving life to dead human bodies must be approached in the same manner as the annual cycle of growth that plants have and decay seen in lands, as observed in farming. Or considering the resurrection to have four stages just as that is the case for lands gaining life in the verses of Sūrah al-Fāṭir. Which is by sending the winds, which then stir up vapor forming clouds, and then driven to lifeless lands. Or considering making any rulings the same as any of the rulings of giving life to land with giving life to the dead because of them sharing some sort of similarity. There is no doubt that moving these rulings in these manners is not done by any ' $\bar{a}lim$ while this is their exact method, and if they would do it as it is necessary on them because of it being their method then they are the ones who are the most ignorant of I ' $tib\bar{a}r$.

None of those who serve as linguistic authorities in the language in which the Qur'ān is revealed have ever equated I'tibār with qiyās al-isțilāhī. Allāh ordered us nothing more than to have tafakkur, which is reflecting His might and the result of those who disobey which is punishment. As Allāh said regarding the story of the brothers of Yūsuf #, "There was certainly in their stories a lesson ('ibrah) for those of understanding" [12:111]. If the verse of I'tibār would ever indicate qiyās as the fourth source of evidence in the religion according to them, then they are compelled to apply it for the story of Yūsuf # as well, which they will never apply as it will contradict their method.

In the initial part of the verse about I tib $\bar{a}r$, All $\bar{a}h$ conveys that He displaces the disbelievers among the People of the Book from their positions. Both the believers and the disbelievers never anticipated this occurrence. So, it is affirmed by All $\bar{a}h$'s words that His revelation diverges from what anyone expects. While $qiy\bar{a}s$, on the other hand is nothing but that which aligns with the expectations of the presumptive.

Such as their expectations regarding the *'illah* of $rib\bar{a}$ differ: Al-hanafiyyah claim its based on weight, $al-m\bar{a}likiyyah$ argue its to store, and $al-sh\bar{a}fi'iyyah$ claim its related to food. All these are inaccurate assumptions and fundamentally contradictory. It is then only accurate to believe that All $\bar{a}h$'s rulings align differently with people's expectations. So it is obligatory to restrict our understanding to the words of All $\bar{a}h$ and His Messenger alone, rather than relying on any $qiy\bar{a}s$. Which is other than their words without any difference.

Allāh the Most Exalted said, "And Allāh is the One who sends the winds, then they raise up the clouds, then We drive them to a dead land and revive the land through them after its death. In a similar way shall be the resurrection" [7:57]. If we were to understand this as *qiyās*, it would imply that everyone who has passed away would be resurrected every year, just as the earth rejuvenates. And no one with the least amount of intellect can ever understand that when Allāh says, "So, take a lesson, O people of vision," that it signifies the prohibition of selling five hundred forty-four grams of oak nuts for one thousand eighty-eight grams of oak nuts. They only use a deceptive method of twisting words, assigning incorrect meanings to correct ones in order to justify their falsehood. Allāh says, "They are not but [mere] names you have named them you and your forefathers for which Allāh has sent down

no evidence. They follow not except assumption and what [their] souls desire, and there has already come to them from their Lord guidance" [53:23]. Allāh invalidates any naming that lacks evidence in religion, whether derived from language or established texts. Anything else is void and baseless. When Allāh speaks about the story of Yūsuf , He only urges us to reflect on His supreme might in creating the heavens and earth and the consequences faced by the disobedient and to return to obedience. Allāh says regarding the story of Yūsuf , "There was certainly in their stories a lesson ('ibrah) for those of understanding" [12:111].

The method they use, misplacing words, is akin to a livestock trader naming his animals after cities and then takes an oath by Allāh that, "These animals came yesterday from so and so city," in a deceitful manner, while he only named them after the cities. Ahl ul-qiyās use the exact same method when they label I'tibār as qiyās. We ask them in which language did they find anything they claim about qiyās. We question them: In which language did you discover anything supporting your claims about I'tibār being qiyās al-iṣṭilāḥī? Allāh dismisses all your methods when referring to Yūsuf's story, "There was certainly in their stories a lesson ('ibrah) for those of understanding" [12:111]. How can anyone deduce qiyās from this? According to their false method, it becomes necessary, through qiyās, to sell our own brothers just as Yūsuf's brothers sold him. Do they believe that anyone sold by their own brothers will become a ruler of Egypt?

And when Allāh says, "They destroyed their houses by their [own] hands and the hands of the believers. So, take a lesson, O people of vision" [59:2], their method imply that we, due to *qiyās*, must destroy our own homes with our hands and the hands of others, because Allāh instructs us to reflect on the destruction of the houses of the Jews by their own hands and those of others? Or when Allāh the Most Exalted says, "And verily! In the cattle, there is a lesson for you. We give you to drink of that which is in their bellies, from between excretions and blood, pure milk; palatable to the drinkers" [16:66]. Can anyone with a modicum of intellect claim that the lesson here is *qiyās*, and the meaning of the verse is, "Verily in the cattle there is *qiyās* for you." Clearly, this verse invalidates *qiyās*. When Allāh mentions that grapes are used for *ḥarām khabīth* intoxication, they still remain permissible as a means of sustenance simultaneously, despite being the same substance. This

declares the claim that two seemingly similar things must have the same ruling due to their similarity which is $qiy\bar{a}s$, as false.

An 'ibrah, then, serves as a means for reflect and a pathway towards obedience to Allāh alone only. This is a concept that can be easily grasped by even women and children, as well as the laypeople.

If they mention the verse, "And these examples We site for people, and no one understands them except the knowledgeable ones" [29:43]. And the verse, "He is the One who sends the winds carrying good news before His blessings, until when they lift up the heavy clouds, We drive them to a dead land, then there We pour down the water, then, with it We bring forth of all the fruits. This is how We bring forth all the dead, so that you may observe advice" [7:57].

The answer: $qiy\bar{a}s$ according to them entails either obligating, prohibiting, or permitting an issue based on the 'illah (rationale) behind the obligation, prohibition or permission in another ruling. Then the concept of Allāh reviving the dead cannot be deduced through $qiy\bar{a}s$ from His act of giving life to barren lands. Because with this belief there is only two options for them with no third to it: First, they would have to claim that they are obligated to use $qiy\bar{a}s$ for every single matter that comes into existence and that they oblige the believe that, "This thing is based on $qiy\bar{a}s$ from Allāh moving heavy clouds, causing rain, and bringing forth fruits." With this they oblige the belief that everything other than that is only the way it is because of $qiy\bar{a}s$ and affirm this as the reason for the $qiy\bar{a}s$ as the fourth source of evidence in the religion. While none of them ever believe this and have never said anything like this.

Or secondly, they believe that Allāh Himself uses *qiyās* to create everything that exists, because of the reason that Allāh moved heavy clouds and let it pour down the water and brought forth all the fruits. Which is from the most false of falsehoods to believe which does not occur in the minds of no one with even a modicum of intelligence. Since none of them ever believe this and have never uttered any of it. It becomes known that they admit and understand very clearly and very apparently and believe like we do that Allāh is in general able to do anything and cause anything and his will and might are not related to any *qiyās*. Allāh never said that he uses *qiyās* and it cannot be inferred from the revelation ever for the existence of *qiyās*. Him capable of giving life, if it would mean *qiyās* then it implies attributing a defect for

Allāh and ascribing a falsehood to him which he did not tell us about himself. Because the one that says this essentially claims that Allāh only gives life or is able to give life only because of the reason he gave life to the other. This is something that Allāh has never said about himself, it is not allowed for anyone to affirm it. And there is no 'illah and also not far' because they concur that giving life for the resurrection is without any doubt an asl and that giving life to a land is also an asl, because both of these and everything else are created by Allāh and Allāh is able to create them and cause it. So it is not possible for any of these to become a far', otherwise it would mean that a far' is uncreated and this is from the most false beliefs. They are themselves as we mentioned before the ones that claim that the 'illah is the might of Allāh the Most Exalted and that he is in general able to create anything.

Allāh the Most Exalted says, "Have they not traveled through the earth and seen how was the fate of those who used to be before them ... And there was no one to save them from Allāh" [47:10-11]. There is in this evidence that the *I'tibār* which we are ordered to, is not the *I'tibār* from those who use *qiyās*. This verse clarifies that *I'tibār* is nothing more than remembrance for the *mu'min* by which he becomes fearful of Allāh, the fear which saves a person from the punishment of Allāh by returning to obedience by repentance. The ones who do not know this much have not looked and have not reflected at the destruction of the nations before such as Nūḥ, 'Ād, Thamūd and others

Allāh the Most Exalted says, "You passed by the ruins of those 'destroyed peoples' who had wronged themselves. It was made clear to you how We dealt with them, and We gave you 'many' examples" [14:45]. And Allāh says, "Indeed, We have made this 'Qur'ān' easy in your own language 'O Prophet' so perhaps they will be mindful" [44:58]. And He says, "You have been sent' as a mercy from your Lord to warn a people to whom no warner has come before you, so perhaps they may be mindful" [28:46]. And He says, "Have they not seen how many 'disbelieving' peoples We destroyed before them? We had made them more established in the land than you. We sent down abundant rain for them and made rivers flow at their feet. Then We destroyed them for their sins and replaced them with other peoples" [6:6]. And He says, "And We do not send the signs except to warn, and to make them afraid (of destruction)" [17:59].

We say: I'tibār is not mujāwazah and instead only itti 'āz, which is reflecting to take a lesson from, for many reasons. We mentioned many of them and among others are that: Firstly, mujāwazah is not the iṣṭilāḥī definition of qiyās. Secondly, everyone that has evidence for a matter, makes it clear (does 'abbara) from the evidence to conclude the ruling with that evidence. I'tibār is then a word that is general, as it has more definitions as more things can be an evidence that leads to a concluding ruling such as using what the 'aql as evidence or the sayings, orders or actions of the Messenger of Allāh sor barā'ah al-asliyyah and many other methods from usūl ul-figh. And all these evidences are different from each other. And it is false to specify qiyās only one from these numerous sources. It is then only allowed to affirm the correct methods which excludes $qiy\bar{a}s$. If the mere meaning of I'tib $\bar{a}r$ only is used then it only means all those types of evidences which we already believe is valid, restricting everything to the revelation, which is the texts only, and that leaves out any qiyās. So it is impossible to specify one source as they claim, meaning *qiyās* and leaving the others sources of evidence. If that would be the case then every other sources of evidence are not $I'tib\bar{a}r$, which they themselves reject.

They say, "Mujāwazah (moving) also means taking a lesson, because as long as a person does not conclude evidence from something he sees to something else he has not taken a lesson."

We say: Not only did we clarify that taking a lesson has nothing to do with *qiyās* itself, but also *mujāwazah* itself does not mean to take a lesson not from the language and also not from the *shar*' and also not the 'aql. If someone reflects at the creation of Allāh he takes a lesson from it only and he is not described doing *mujāwazah*. Not only that but *mujāwazah* also has nothing to do with *qiyās*, if it would be according to their false definition then every single 'ubūr (movement) would mean *qiyās* which none of them follow such as a flowing tear, or crossing a place or explaining a dream.

They say, "But Allāh, the Most Exalted says, 'Indeed, Allāh does not shy away from setting forth any examples, even of a mosquito or anything above it. So as for those who have attained faith—they know that it is the truth from their Lord. But as for those who disbelieve—they say, 'What did Allāh mean with this example?' He misguides many thereby and He guides many thereby, but He does not misguide thereby except the defiantly disobedient' [2:26]. So Allāh who is the best of giving examples, the Creator



of everything who is free from any *jahl* and deficiency gives an example, so it must be permissible then for us to do this as well."

We say: Not only does giving examples have nothing to do with the i s t i l a l l a l, who is the best of giving examples, creator of everything puts forth, free from any j a h l and any deficiency an example, it does not imply that it is allowed for us to start creating rulings, the same as he brings forward rulings because we are not free from deficiency and we are not ordered to do it, and instead prohibited because it is attributing to the religion of Allah what is not part of it. This is sufficient to understand that examples alone are not $q i y \bar{q} s$ and we will clarify the examples put forth by Allah and His Messenger specifically in the next chapter, by the will of Allah. We can never be certain of the correctness of anything except if it is from what Allah has revealed His Messenger.

The verses they cite is against them not for them as there is rejection in it for questioning the actions of Allāh and ta 'līl is part of qiyās which is questioning the actions of Allāh. Allāh also prohibits us from putting forth any examples before Allāh and his religion Allāh, the Most Exalted said, "So, do not put forward similitudes for Allah (as there is nothing similar to Him, nor He resembles anything). Truly! Allāh knows and you know not" [16:74]. And He said, "Look how they strike for you comparisons; but they have gone misguided, so they cannot find the (right) way" [17:48]. And He said, "And if one of them is informed of the news of that which he sets forth as a parable to the Most Gracious (Allah), his face becomes dark, and he is filled with grief!" [43:17]. And He said, "Or they say, 'He (the Prophet) forged it (the Qur'ān).' Say, 'Then produce ten forged Surahs like it, and seek [for it] help from whomsoever you can, other than Allāh, if you speak the truth!" [11:13]. And He says, "Or do they say, 'He (the Prophet) has forged it (the Qur'ān)?' Nay! They believe not! Let them then produce anything like it, if what they are truthful" [52:33-34]. Reflect on how any creature fails this challenge which includes the challenge of bringing any size like it as indicated when Allāh said, "Let them then produce anything like it." No creature is able to produce anything of any size like it. All of them agree that *qiyās* is separate from Qur'ān and also they claim that the $fur\bar{u}$ ' (plural of far') of issues are to be the same ruling as the $u s \bar{u} l$ (plural of a s l) which is everything from Qur'ān and sunnah. So they try to bring something like it and they are not able to as no creature is able to. They also created istinbat that has no relation to any text which is the *manhaj* of *al-Qa'isīn* on *al-'illah*. There is clear evidence in this in restricting knowledge only to revelation.

Also What makes it even more evident that *I'tibār* is only reflecting, is the saying of Allāh, "We will show them Our signs in the horizons and within themselves until it becomes clear to them that it is the truth. But is it not sufficient concerning your Lord that He is, over all things, a Witness?" [41:53].

And the saying of Allāh, "Then is he who knows that what has been revealed to you from your Lord is the truth like one who is blind? They will only be reminded who are people of understanding" [13:19].

And Allāh says, "And these examples We present to the people, but none will understand them except those of knowledge" [29:43].

Nothing other than our view can be understood from these verses, as everything else implies falsehood as clarified in detail.

They also claim that the following verse is an indication for *qiyās* and that it is related to *I'tibār*, "Allāh says, 'And 'one day' the King said, 'I dreamt of seven fat cows eaten up by seven skinny ones; and seven green ears of grain and 'seven' others dry. O chiefs! Tell me the meaning of my dream if you can interpret dreams'" [12:43].

This is not possible, what is mentioned in the verse is firstly not related to I ' $tib\bar{a}r$ but ' $ib\bar{a}rah$. And ' $ib\bar{a}rah$ according to ahl ul-lughah only means $bay\bar{a}n$, and that is clarification for something. It can be said, "This speech is an $ib\bar{a}rah$ for this," which means that it is clarification for that speech. And a person can do I ' $tib\bar{a}r$ of someone with the meaning that he gets clarification from him on a certain matter. There is no place for the meaning that it means to give a ruling to something which is not mentioned from texts.

They say, "But ' $ub\bar{u}r$ means passing something such as a river, and $qiy\bar{a}s$ is then passing a ruling that is mentioned from texts to cases that are not mentioned."

The answer: This is false, we clarified before that this is from the words that are *mushtarak* in meanings, like *darb*, You can say *dirab ul-jamal*, which is a camel becoming pregnant (*sifad*), and *darb* with the meaning of hurting a body, and *darb* with the meaning to fasten something with a lock. And just like this, it is the same for 'abara, If it is 'abartu al-ru'ya, then it means that the dream got explained, and 'abartu al-nahr means crossing it. These two then mean different things, one of them has nothing to do with the other. The

masdar of 'abartu al-nahr is only 'ubur while the masdar of 'abartu al-ru'ya is 'ibārah. And that is also the masdar of i'tabartu fi shay which means reflecting upon something. Then there are other mushtarak meanings such as 'abrah meaning plants which are nearby rivers and 'abraniyyah which is the language of Banū Isrā'īl. And 'abīr which is a type of perfume. So when we say 'abartu al-nahr means crossing the river and that the meaning of 'abartu al-ru'ya is only explaining it, it becomes apparent and known that the two are different. If a mu'abbir of a ru'ya would only cross, he would not ever be someone who clarifies the dream and would instead literally leave the dream as it only then would mean to cross. So we know then that 'ubur is not related to ibārah.

Allāh, the Most Exalted says, "They want to blow out the Light of Allāh with their mouths, and Allāh rejects everything short of making His light perfect, no matter how the disbelievers may hate it" [9:32].

If they claim, "When Allāh ordered in the verse of $I'tib\bar{a}r$ using $qiy\bar{a}s$ in general for everything."

The answer: This is false. We clarified before that I 'tibār' is only moving from a state of ignorance to a state of remembrance to avoid consequences and to return to obedience to Allāh as clarified in the greatest of details.

This is also without any doubt limited to where Allāh placed the limit himself. Allāh says, "These are the limits (Rulings) of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers" [2:229]. Allāh never allowed ever transgressing where he put the limit and never burdened creating rulings ourselves.

If they say, "We accept that I'tibār means tafakkur but I'tibār must lead to knowledge and that knowledge without any doubt is regarding the rulings of the religion. That is why Allāh mentioned the verses about putting forth examples. If it would not lead to knowledge of the rulings of the religion, then there would remain no meaning in the order to perform I'tibār and there would be no meaning in tafakkur as you claim."

The answer: We clarified many times that I $tib\bar{a}r$ is nothing other than moving from a state of ignorance to a state of remembrance to return to obedience to All $\bar{a}h$, no Muslim can deny that this is knowledge. And All $\bar{a}h$ says, "These are the limits (rulings) of All $\bar{a}h$, so do not transgress them. And whoever transgresses the limits of All $\bar{a}h$ - it is those who are the wrongdoers" [2:229]. Your method is directly transgressing the limits set by All $\bar{a}h$, All $\bar{a}h$

never burdened us to create rulings from ourselves. And we clarified in great detail why it is not possible for $qiy\bar{a}s$ to be that specified method by which one can attain "knowledge" which you claim, you clearly forsake other methods that could lead to that "knowledge," choosing only one of the various methods while abandoning others false and full of contradiction. What is the truth is that the method from which we attain "Knowledge" is without any doubt the revelation only, taking from the general orders by default, the apparent rulings, forsaking the words uttered by anyone other than Allāh and His Messenger.

'Abd Al-'Azīz Al-Ḥarbī said regarding the claims of *ahl ul-qiyās* regarding the verse of *I'tibār*, "What the verse indicates, is not this [false] meaning (their claims), because *I'tibār* means taking a lesson and a lesson is anything that serves to warn, this is the reason many of the *muḥaqqiqīn* did not see this a valid *istidlāl* for *qiyās*, as it is not correct for the composition of the words (in the verse) to be, 'They destroyed their houses with their hands and the hands of the Muslims, so perform *qiyās* from the issue of corn to the ruling of wheat.' If that would be the case then it would be a weak composition, Allāh is far exalted from that, this is what Al-Rāzī said in al-Maḥṣūl. And Ibn Juzay said, 'Their *istidlāl* (for *qiyās*) using this verse is weak, departs from the meaning of the verse.' And Al-Shawkānī said, 'The conclusion is that this verse does not indicate *qiyās al-shar'i*, not through correspondence, nor deduction and also not through implication. Whoever excessively occupies himself with *istidlāl* using this verse for such purposes has occupied the space with what is of no benefit beneath it.""⁴⁵⁰

And in this manner all of their claims are cleared out. And All praise is due to Allāh, there is no power or strength except by Allāh. The Most High, the Most Great. Allāh Alone is Sufficient for us, and He is the Best Disposer of affairs.

 450 Al-Khulāṣah Fī Uṣūl Al-Fiqh 'Alā' Minhāj Ahl Al-Zāhir pg. 93 | Irshād Al-Fuḥūl 2/97